

COMMENTS FROM INDIVIDUALS AND ORGANIZATIONS

Since many comments were received from individuals and organizations, we attempted to capture the essence of the substantive comments and provide a summary of similar comments (*shown in italics*) to which we then provide a response. The guide to comment subjects is organized under the same major headings as the *1998 Draft Environmental Impact Statement and General Management Plan* that was released in September 1998. The subheadings and the items listed under them are intended to provide a tool for finding the agency response to comments received on that draft plan.

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NATURAL RESOURCES

Air Quality/Visibility

Comment: *Designation of Mojave as a class I area, along with the viewsheds and night sky restrictions, will have a very significant and long-term adverse socioeconomic effect on the region.*

Response: The preserve has no authority to regulate activities outside of its boundaries. The preserve would, however, be involved with activities outside of its boundaries, similar to any neighbor reacting to an action or a proposed action being initiated by its neighbor. Concerns would be expressed under either Class I or II designation about the potential effects of any development on park air quality. The Prevention of Significant Deterioration program is an element of the Clean Air Act that applies, in various ways, to all three classes. Neither the redesignation to Class I, nor the viewshed and night sky policies, was projected in our socioeconomic study as having a significant socioeconomic effect on the region. However, a redesignation would help ensure that the air quality of Mojave National Preserve was protected, especially from airborne particulates and sulfur dioxide. Any proposed new sources of pollution that could impact the air quality of the preserve would have to take mitigating measures to ensure no adverse effect.

Viewsheds/Visual Quality

Comment: *The plan should specifically state that there would be no communications towers on NPS land.*

Response: The preserve is required to comply with federal laws and NPS management policies regarding communication towers on public land inside the park. It is not possible for the NPS to categorically prohibit new communication towers. Towers proposed to be located on private land are subject to County regulations, and the NPS must comment on these proposals through the County process, like any citizen can.

Night Sky

Comment: *How can the National Park Service implement the night sky proposal?*

Response: There would be no anticipated problem with the preserve's goals of less light pollution and economic development. Lighting for many existing businesses and individuals do not have shields. Light goes up to the atmosphere and diminishes the night sky. That light going into the atmosphere does not do the business and individuals any good. If more light were directed towards the ground, better lighting with less cost should result. Raising the awareness of developers and county planners approving such projects can also help achieve this goal.

Noise and Overflights

Comment: *The National Park Service should work with the military to minimize noise impacts on designated wilderness areas to the maximum extent possible. Overflights should be kept to a minimum and sonic booms should not be allowed at all. Low flying aircraft should be banned now.*

Response: The preserve is a member of a recently established interagency overflight working group with the military that will be working to address issues resulting from low-level flights over NPS units and BLM wilderness areas. Because overflights are legislatively authorized, some activity will continue to occur, but mitigation of noise will be of primary concern.

See page 52 of 1998 draft plan for an explanation of the preserve's management authority on military overflights. Currently, military and commercial overflights are not a major issue for the Preserve. We are working actively through the desert-wide interagency overflight working group to identify issues and resolve conflicts resulting from the authorized military use. We are also working to oppose the development of a major new regional cargo airport just north of Primm, Nevada. Clark County is seeking legislation in Congress (which was approved by the House in March 2000) that would require the Bureau of Land Management to sell them 6,000 acres for a new airport for jumbo jets. Traffic from this new facility would depart to the south the majority of the time, and many jets would fly low over or near park and BLM wilderness areas. Finally, if Mojave became a focus of air tour operations in the future, a joint FAA/NPS air tour management plan is now required. The Federal Aviation Authority controls all airspace in the United States and any tour operator is required to comply with FAA regulations. The purpose of the air tour management plan would be to ensure protection of park resources, including the natural quiet.

Water Resources

Springs / Floodplain and Wetland Areas

Comment: *Have a biological inventory of all spring and wetland areas, including identification of threats, impacts, and protection and restoration measures, and compliance with water rights requirements.*

Response: We agree that such an inventory is needed. We have added a statement in the proposed action indicating the need for such an inventory.

Comment: *The extent of modification of 200 springs and seeps should be summarized, and their plant and animal resources should be identified.*

Response: We agree that this is a high priority need and we have identified it as such in our internal resource budget priorities. However, this detailed information is not yet available, nor appropriate for this planning document.

Comment: *The National Park Service should seek to protect, perpetuate, and restore, wherever possible, surface water and groundwater as integral components of park aquatic and terrestrial ecosystems. Inventory all water sources and identify biological resources associated with water sources.*

Response: The plan clearly states that water and its protection is an important issue. The Mojave National Preserve staff will continue its ongoing work to inventory water features and associated biotic resources and developing plans for their protection and restoration (if needed). The park has recently approved the hiring of a hydrologist to oversee water resources programs. The 1998 draft plan states on page 62 that inventory and monitoring of the preserve's natural resources is important and a comprehensive strategy would be developed through the preserve's resource management plan.

We feel the extensive water rights discussion provides a strong resource preservation strategy. The suggestion to work with holders of water rights to restore modified water sources to natural conditions, while still allowing for valid existing uses, is a good suggestion as has been included in this document.

Water Developments

Comment: The long-term intent to restore natural waters is acceptable, but public agencies, ranchers, and citizens have no small investment in much of the water development and facilities in the preserve. The National Park Service should make a commitment that the existing facilities will be maintained, and enhanced when necessary, so as to maintain a thriving wildlife population. Maintenance should allow access into wilderness.

Response: The current section on water developments in the proposed action clearly provides for retention and maintenance of developments where necessary to replace natural waters lost due to human activities. Motorized access to sites in wilderness would be considered extraordinary and would not be routinely allowed unless unusual circumstances warranted it. These instances would be considered on a case-by-case basis consistent with the Wilderness Act, and nothing in the California Desert Protection Act provides any additional authority. In fact, each water development in wilderness would have to be examined in light of the restrictions in the Wilderness Act on structures and installations.

Water Rights

Comment: Acquire water rights when feasible. Acquisition of water rights from mining companies and grazing allotments should be pursued.

Response: The last statement on page 61 of the 1998 draft plan provides for the purchase of water rights. In addition, the discussion on page 84 indicates that the NPS would seek funding to acquire the majority of private lands and interests based on priorities in the “Land Protection Plan” (appendix B in volume 1).

Comment: Water rights held by the permittee, developed by permittee or prior permittee, both private land and preserve land, should remain in the name of permittee.

Response: Changes to the legal standing of private water rights are not being proposed. If and when the federal government purchases private water rights, the rights would then be recorded in the name of the U.S. Government.

Comment: Prevent appropriation of unappropriated water in the park and assert the rights of the National Park Service to those waters as reserved property of the United States.

Response: The text has been modified to indicate that NPS Management Policies require that all rights to the use of water diverted to or used on federal lands by permittees would be perfected in the name of the United States.

Sensitive Species

Desert Tortoise

Grazing Impacts

Comment: *There is a wider range of available grazing alternatives, from the recommendation of the desert tortoise recovery plan to eliminate grazing in tortoise critical habitat, to modifications in location, cattle numbers, and season.*

Response: Grazing is a privilege that Congress mandated would continue. We have presented alternatives ranging from existing conditions, to managing grazing under NPS standards, while seeking to acquire allotments via conservation groups from willing seller ranchers. We have also modified our proposed action in the revised DEIS to impose additional restrictions on cattle grazing when ephemeral forage is below certain levels where current research indicates competition between cattle and tortoise occurs. Elimination of cattle grazing is discussed under the section, Actions Considered for Alternatives, but Rejected. Because our purpose in preparing this management plan is to create a management plan that is implementable without seeking legislation, the complete categorical elimination of grazing is not addressed. However, in effect, our proposal accomplishes this same goal through a strategy of phased acquisition and interim management. The impact analysis then compares retention of grazing (existing management alternative) with no grazing (proposed action), accomplished via acquisition through third party buyers.

Comment: *It has been scientifically proven that grazing is beneficial to the tortoise. Cattle graze old vegetation so new growth is available to the tortoise. In dry years, moisture from cattle droppings is available to the tortoise.*

Response: We are aware of a report that describes desert tortoise eating cattle dung. This report was the observations and views of a single individual. Although interesting information, we feel it is incorrect to conclude that these observations are scientifically proven. Also, cattle do not always graze the old growth. During the spring annual growth, cattle eat fresh annual green forage.

Comment: *Instead of moving grazing activities off of areas designated as tortoise critical habitat, as stated on page 180 of the draft plan, livestock should be completely eliminated from all of the preserve.*

Response: Congress debated the grazing issue extensively prior to passage of the California Desert Protection Act. They decided in the end to mandate that grazing “shall continue,” and that is the law the President signed. It would not be implementable or consistent with our stated purpose and need for a management plan to proposed an action that runs counter to congressional legislation. The National Park Service believes that the proposed action is the most expeditious way of removing grazing from the preserve and one that would be supported by our congressional delegation. However, some ranchers may not be willing sellers. Therefore, the park must develop a grazing management plan that addresses the protection of sensitive park resources for any grazing permits that remain after three years.

Comment: *There is credible published research by U.S. Fish and Wildlife Service that demonstrates that grazing is negatively impacting the desert tortoise.*

Response: Papers cited in draft plan refer to environmental changes (to plants and soil) from cattle grazing. They do not conclude a negative effect on desert tortoise. Studies are being conducted that are designed to determine if the observed changes are deleterious, benign, or beneficial to the desert tortoise. One recent study by Dr. Hal Avery does conclude feeding behavior changes do occur at certain levels of ephemeral forage. Our proposal has been modified to address cattle grazing in critical habitat whenever ephemeral forage falls below these levels. The preserve also sets acquisition of permits as the management goal and proposes to work with willing sellers and conservation groups that wish to retire grazing permits. The Preserve is slated to receive an increase in funding in FY01 to initiate desert tortoise monitoring and recovery actions.

Comment: *The statement that the National Park Service may take unspecified “appropriate mitigation measures where credible, published research studies indicate that grazing negatively impacts tortoise” is unacceptable.*

Response: The preserve is trying to balance the grazing mandate with resource protection. The desert tortoise is subjected to a multitude of possible and actual impacts. Reducing or eliminating these impacts is the preserve’s goal. Many intuitively think cattle negatively impact the tortoise. There is evidence of cattle’s impact on the environment and one documented case of tortoise mortality from cattle trampling. But are these impacts affecting the overall health of the tortoise population? Cars and hikers also impact tortoise. It is just as premature for the preserve to ban cattle grazing as it is to ban vehicles or hikers. The preserve is pledged to examine all possible impacts and, when found, eliminate them if possible. We believe that the preserve’s proposed course of action is a fair and reasonable approach of action supported by solid evidence.

Habitat

Comment: *The National Park Service should try to designate more of the preserve as critical habitat. Lanfair Valley should be included in this designation.*

Response: The creation of critical habitat was accomplished by the U.S. Fish and Wildlife Service using the best available data on desert tortoise habitat. The National Park Service has no additional data to suggest that this area should be designated as critical habitat at this time. However, the NPS will manage the entire park for protection of the desert tortoise.

Comment: *The plan does not include specific measures to maintain tortoise populations or habitat.*

Response: The *General Management Plan* proposes to implement every specific action recommended by the recovery plan, to some extent. Since the recovery plan does not always specify exact measures to take, the agency must interpret the recommendations and apply them as appropriate to the lands being managed. Many of the actions proposed required no further planning. In fact, many (over half) of the recovery plan recommendations have already been implemented. Others would be implemented through other planning efforts (e.g. fire management, restoration, interpretive planning, etc.) which will have additional public involvement. Some are policy statements guarding against future disturbance in tortoise habitat. The possible fencing of some roads requires gathering some additional data on concentration areas along roads and entering into partnerships with CALTRANS and the County to fund and implement.

Comment: *The plan fails to delineate desert wildlife management areas (DWMAs) and fails to implement several significant recommendations on pp. 55–61 and F14 of the recovery plan. The statement that the National Park Service “would not propose that any particular part of the preserve be set aside under any special category for tortoise” is illegal under the Endangered Species Act.*

The reference to special categories in the draft plan is regarding the designation of desert wildlife management areas (DWMAs). The recovery plan recommends management agencies create DWMAs where the recovery actions would be undertaken. Creation of DWMAs adds nothing to the desert tortoise protection strategy. Actions proposed by the NPS in the draft plan would implement recovery actions throughout the preserve, not just in critical habitat or DWMAs. If we followed the recovery plan recommendations regarding DWMAs, we would implement desert tortoise recovery in less than half the area currently proposed. Implementing them throughout the entire Preserve is certainly not illegal under the Endangered Species Act. We simply feel that designating DWMAs creates another category of land use zoning and is unnecessary.

Comment: The statement on page 58 that a development project would be required to purchase equivalent habitat for desert tortoise is unacceptable. No private development of any kind should be allowed within preserve boundaries, especially in tortoise habitat.

Response: Development may occur on federal lands in the preserve under certain limited circumstances, including possibly mining activity, right-of-way activities, or replacement or moving of range improvements. If this disturbance involves critical desert tortoise habitat, compensation lands would be required. For instance, the recent removal of the AT&T cable through the Preserve resulted in the requirement to purchase and donate 210 acres of prime desert tortoise habitat, as well as restoration of the disturbed cable route.

Comment: Grazing must be discontinued because it is likely to adversely modify tortoise habitat and thus jeopardize continued existence of tortoise. The plan provides no proactive measures to mitigate effects of grazing on tortoise habitat.

Response: Despite continued cattle grazing for over 130 years, and military maneuvers of General Patton's troops in the area, Dr. Kristin Berry still refers to the Goff's population of tortoise as the "gold standard" for the Mojave Desert. It is considered one of the healthiest in its range. The Ivanpah Valley tortoise population has also been subjected to continued grazing for over a hundred years, mostly at much higher levels than currently. Monitoring of that population indicates it is stable. This is not to say we are not concerned about grazing impacts on the tortoise, and the desert habitat in general. We are very concerned about potential effects and believe that the situation warrants close monitoring and additional research. However, the Bureau of Land Management's range studies, and our own recent investigations of seem to indicate the plant communities are in good condition. We are faced with balancing a grazing mandate from Congress, with a recommendation from the recovery plan. We are proposing many activities (many have already been implemented) to reduce or eliminate impacts on the desert tortoise. The preserve will work aggressively to eliminate impacts on the desert tortoise, as we have already demonstrated by taking immediate action to remove over 2,200 unmanaged feral burros. We took this action without specific, dedicated funding or external support from friends groups, for the first two years because of our belief that these animals were the greatest existing threat to the desert ecosystem. The National Park Service is also working diligently to pursue buyers for the grazing permits in the park, and have already secured the Granite Mountains and Crescent Peak permits (totaling over 5,000 AUMS or 15% of the total) and have permanently retired them. We do not believe that current research shows that continuing managed grazing at no more than the current levels would jeopardize the tortoise, if management actions reflect current research results. We believe it does take scientific study to determine if the demonstrated competition for ephemeral forage is harmful to the tortoise. We have included in our revised proposal, actions that would restrict grazing in desert tortoise habitat whenever ephemeral forage is below the amount shown by research when competition occurs.

Comment: The National Park Service “possibly” violates the Endangered Species Act section 1532 (5)(a) and (c) for not formally designating critical habitat, but treating the entire preserve as such.

Response: Critical habitat was designated over about 772,000 acres of the Preserve in the 1994 Recovery Plan produced by the U.S. Fish and Wildlife Service. Regardless of whether a portion of the preserve has been designated as critical habitat by the U.S. Fish and Wildlife Service, the Park Service is obligated to protect the tortoise wherever it occurs. Protecting it throughout the park wherever it occurs is clearly not a violation of the Endangered Species Act. This approach is the same as at Joshua Tree National Park, where no critical habitat exists.

Listing Status

Comment: The tortoise should not be delisted once the Mojave population is recovered. Status under the Endangered Species Act depends on viability of the species across its range rather than in any single population.

Response: The Recovery Plan specifically states that a recovery unit population that meets the delisting criteria, as stated within the recovery plan, could be considered for delisting by USFWS as a distinct population (see page 43 of recovery plan). The primary goal of the recovery plan is to promote recovery of the desert tortoise and to achieve delisting. Each recovery unit is considered a self-sustaining population.

Comment: The science used for the tortoise’ s threatened status is questionable and the National Park Service should make use of this planning process to challenge the validity of listing of the tortoise as threatened by the Fish and Wildlife Service.

Response: The park’ s General Management Plan is not an appropriate forum for debating the validity of the listing of the desert tortoise. The desert tortoise is legally considered threatened. The Park Service is required by law to comply with the Endangered Species Act. We will strive to protect this unique and interesting desert reptile against harm, regardless of its legal status. It is a species native to the preserve, and one we are mandated to protect. We will also seek independent scientific expertise in helping the park interpret research results, devise inventory and monitoring processes and identify future research needs.

Fencing

Comment: The 100 miles of proposed tortoise fencing at a cost of \$2.6 million should not be built.

Response: Desert tortoise barrier fencing is being used along many desert roads. The success and problems with the fencing are also being evaluated. The National Park Service is not anxious to install tortoise fences due to the cost and questions about other problems they cause. However, some road stretches in the preserve where tortoise activity is high may require this drastic step. Other areas, such as I-15 and I-40 already have barbed wire fences where the shorter tortoise fence could be installed for less money. We certainly hope to spend far less than this estimate, if any fencing is installed.

Comment: Establish areas protected for research. The plan is not responsive to research that already exists (e.g. tortoise fences). The plan doesn’t state what data will be used to propose delisting tortoise.

Response: Dr. Boarman’ s research showed that fences reduced tortoise mortality from vehicles. There is also speculation that overall mortality may have remained the same or increased due to the fences contributing to isolating and concentrating tortoise and making them susceptible to poachers. Also of

concern is the number of reptiles killed by being trapped within the fence mesh. The recovery plan is specific as to the data needed to propose delisting of the tortoise. The criteria from the Recovery Plan are included in our proposal. Our resource management plan would identify specific activities to monitor tortoise populations. The preserve hopes to have a close, collaborative relationship with the Granite Mountains Natural Reserve, the Desert Studies Center, and other research institutions.

Biological Opinion

Comment: *The plan fails to carry out expectations of U.S. Fish and Wildlife Service's biological opinion of March 25, 1997.*

Response: We believe continued effort and progress in developing management plans that address our commitment to implement the recovery plan is sufficient progress to obtain an extension of the biological opinion. Many of the actions called for in the recovery plan are already implemented or substantial progress is being made. Some of the actions require some additional data collection and funding. For instance, fencing roads to prevent tortoise mortality. We have approximately 100 miles of paved roads, and hundreds of miles of dirt roads. It would cost over \$2 million just to fence the paved roads through critical habitat. We have already prepared detailed budget documents to request funding for desert tortoise programs in FY 2001 and that funding appears to be forthcoming. Also, the park has been actively working for over two years to facilitate the acquisition of the grazing permits in the preserve via third parties. An initial signed deal in 1998 fell through due to difficulties the Bureau of Land Management encountered in retiring their remnant portions. However, we continue to work aggressively to find buyers for our willing seller ranchers and have retired about 15% of the existing AUMs since the Preserve was established. We are also already working on the data-gathering portion of developing a specific grazing management plan. Staff has been hired and is currently gathering and reviewing BLM records and allotment plans for the allotments. A contract was recently awarded for range condition assessments.

Guzzlers—Tortoise Proofing

Comment: *Follow FWS direction to tortoise-proof all guzzlers and install escape ramps for fiberglass units. Quail guzzlers abandoned years ago should be retrofitted or filled in to reduce tortoise mortality.*

Response: All guzzlers will be inspected and, if necessary, modified to ensure tortoises can escape. The proposed action outlines our plans these water developments. The plan has been revised to indicate that the inventory of water developments would include determining their hazard to desert tortoise and other wildlife. If the development were retained, it would also be modified to remove any hazard to wildlife.

Native American Use / Military Maneuvers

Comment: *The plan does not include a discussion of Native Americans and their diet including tortoise. The desert tortoise survived "Desert Strike."*

Response: We are aware that Native Americans utilized desert tortoise as food, along with many other resources of the desert. We are also aware of General Patton's maneuvers, and Desert Strike in 1964. We understand that little or no scientific data exists on desert tortoise populations and the effects of these activities on the tortoise. Apparently, only anecdotal information exists in the literature. We don't know, for instance, if tortoise populations declined sharply after Patton's use of the desert, and then recovered for the next twenty years. We do know that regular population surveys at fixed

locations initiated in the 1970s, and continuing today, revealed sharp population declines throughout the range of the tortoise, resulting in its listing status as threatened. We do know that scientific research has documented numerous activities that can cause negative impacts on desert tortoise. Not all of these are necessarily an immediate problem in the Preserve, but it is mandated that we take steps to ensure the recovery of the tortoise.

Comment: The plan is anti-tortoise regarding the hunting proposal. Do not remove the open season on coyotes and hunting nongame species that may eat tortoise eggs and compete for food. Do not enforce hunting restrictions on the season for the purpose of controlling illegal use of weapons and protecting the tortoise.

Response: The plan proposes to implement the measures recommended by the desert tortoise recovery plan. These are the factors where human influences have resulted in detrimental impacts on tortoise populations. It is not the intention of the recovery plan, or the National Park Service, to completely eliminate all natural predation on the desert tortoise. Tortoise populations have been living with predators for thousands of years. However, when human influences tip the scales, the populations become threatened. It is our goal to reduce the human-caused population threats. However, if predator populations escalate due to unnatural events (e.g. raven populations are high due landfills and road kills) then action could be initiated to remove the threat to tortoises.

Burro HMAs Overlapping with DWMAs

Comment: Even though herd management areas (HMAs) and desert wildlife management areas (DWMAs) overlap, they must be managed to benefit both species.

Response: The Wild Horse and Burro Act was very specific regarding lands to which it is applicable. The act does not apply to NPS administered lands. The previous BLM herd management areas for the burro no longer exist inside the Preserve. Congress, not the federal agency, decides the appropriate management of public lands and specifies which laws apply. The proposed action to remove feral burros in Mojave is not precedent setting. The National Park Service has removed burros from several other NPS units, including Death Valley National Monument, Lake Mead, Grand Canyon and Bandelier.

The National Park Service has a mandate to protect native species. The U.S. Fish and Wildlife Service in their recovery plan for the desert tortoise recommends that certain competing or threatening factors, such as burros, off-road vehicle use, and hunting for a portion of the year, be eliminated to enhance the tortoise's protection and recovery. Burros are managed by the Bureau of Land Management to be in balance with the ecosystem. In some areas, BLM has established zero or very low population levels for resource protection purposes.

Recovery Plan / Monitoring Plan

Comment: The recovery plan for tortoise will have no public discussion. No baseline data is presented. No idea is expressed. No monitoring plan is proposed.

Response: The *General Management Plan* is not a tortoise recovery plan. The *General Management Plan* is the first tier planning document for a park and specific details of the multiple management issues facing this unit are not possible to present in this plan. The GMP proposes to implement the recommendations of the recovery plan. Many of the actions proposed required no further planning. In fact, many have already been implemented. Others would be implemented through other planning efforts (e.g. fire management, restoration, interpretive planning, etc.) which will have additional public

involvement. Some are policy statements guarding against future disturbance in tortoise habitat. The possible fencing of some roads requires gathering some additional data on concentration areas along roads and entering into partnerships with Caltrans and the county to fund and implement. Critical habitat for the tortoise is shown on figure 3 of the 1998 draft plan. The revised DEIS has been modified to include available baseline data on tortoise populations. The standardized procedures for a desert-wide monitoring program have yet not been fully finalized. A monitoring protocol is available, but is currently being reevaluated by some desert tortoise scientists. Upon its finalization, Mojave National Preserve anticipates using this monitoring procedure.

Speed Limit

Comment: *Maximum speed limit should be 45 miles per hour, unless the National Park Service designates a higher speed limit (signs show 55 mph).*

Response: The proposed action indicates that the use of seasonal speed limits on certain routes would be analyzed. We are also interested in the effectiveness of additional temporary barricade type signing with flashing lights and special tortoise signs posted during periods of active tortoise use (spring mornings and evenings, rainfall, etc.). We are concerned about enforcement though, because just posting lower speed limits does not slow down vehicles.

Comment: *Do paved roads have higher tortoise mortality?*

Response: Desert tortoise mortality by vehicles has been observed in many parts of the desert on paved and dirt roads. It seems reasonable to assume that the potential for tortoises being hit on paved roads may be higher due to vehicle speed and the greater number of vehicles. However, dust, road width, vegetation closer to the road edge, and more rolling terrain may cause tortoises to be more difficult to see, especially for groups of several vehicles travelling together.

Bighorn Sheep

Comment: *The bighorn sheep disaster was preventable.*

Response: Both the State of California and the Inspector General of the United States investigated the bighorn die-off. Both determined that this regrettable incident had nothing to do with the access restrictions in place due to wilderness. The sheep died as a result of the deterioration of the fiberglass water tanks over several years in the desert sun. Some sheep managed to get on top of the tank and caused it to collapse, trapping them in the water. Their decay contaminated the water and caused others to die from botulism.

Comment: *The statement on page 183 of the draft about the bighorn sheep population in Kelso Mountains is false. The bighorn population at Kelso Peaks is small, and the sheep cross back and forth between there and Marl Mountains. The entire logic is flawed.*

Response: CDF&G data state that the Kelso/Old Dad/Marl Mountain metapopulation is the largest in the desert. The logic used in the 1998 draft plan is sound, however, the actual effects have not been determined. Historically, were animals from this metapopulation frequent visitors to this arid range? There is no data suggesting that bighorn sheep were or were not present in Kelso Mountains before the introduction of water. Now, we can state with certainty that bighorn frequent the area. Our premise is: do areas developed without grazing pressure suffer when grazers are introduced? This is a sound question that should be examined.

Mohave Tui Chub

Comment: No schedule or plan is indicated for the Mohave tui chub or the bighorn sheep.

Response: We are not certain that additional plans are warranted for the Mohave tui chub or the bighorn sheep at this time. We believe that cooperative agreements with California Department of Fish and Game, U.S. Fish and Wildlife Service and the California State University consortium for the Mohave tui chub, are perhaps the most appropriate coordination and management tools.

Unique Plant Assemblages

Comment: Identify unique plant assemblages and identify their locations on a vegetation map.

Response: Page 55 of the 1998 draft plan addresses protection of sensitive species and habitats. Some additional information regarding sensitive habitats has also been added to this revised DEIS. Commitments are made to map the distribution of unique and sensitive plant and animals and to take protective measures where necessary, including limiting public access. Specific measures would be determined through the resource management plan or site-specific activity plan. The park asked that USGS map unique plant assemblages during the development of the Mojave Desert vegetation map currently under preparation.

Comment: The management prescriptions for the rest of the sensitive species listed in appendix D of the draft plan need to be included.

Response: Addressing the specific distribution and management prescriptions for all the sensitive species in the preserve is beyond the scope of a general management plan. We would appreciate working with the California Native Plant Society to develop prescriptions for the preserve. We do have the California Natural Diversity Database and the Bureau of Land Management's Desert Plan that were both used in developing information for the draft *General Management Plan*. This section has been modified to clarify the park's commitment to protection of all sensitive species.

Species List (Appendix D)

Comment: The species list in appendix D is incomplete. Many plant species listed are not found in Mojave.

Response: The list of sensitive species in appendix D of the draft plan has been modified by the deletion of the BLM and Death Valley species. Since no specific comments were provided on how the list is incomplete or inaccurate, we can only assume it is complete.

Introduced Species

Burros

Adjacent BLM herd management areas (HMAs)

Comment: The NPS "no burro" policy (on page 58 of the draft) will affect BLM management of herds and habitats outside of the Mojave boundary. Impacts must be analyzed in this Environmental Impact Statement. An alternative could be considered that includes BLM/NPS cooperative burro management.

Response: As stated in text, the Clark Mountain herd is the only BLM herd management area (HMA) adjacent to Mojave National Preserve. Additional discussion of the impacts of the Bureau of Land Management retaining the HMA adjacent to the preserve has been included in the revised draft. See alternative 2 for a discussion regarding BLM/NPS cooperative burro management alternative.

Comment: *Total burro eradication is doubtful because of trespass burros from BLM bordering herd management areas.*

Response: The preserve's goal is to achieve a burro population of zero animals. This has been the same goal used successfully in other NPS units such as Death Valley National Monument, Grand Canyon and Organ Pipe. The park understands that management of these populations is a long-term prospect, especially with populations on neighboring lands. We will work closely with the Bureau of Land Management to ensure that trespass is minimized and the preserve populations are maintained at near zero. The Bureau of Land Management's Clark Mountain herd management area is the only herd management area adjacent to Mojave National Preserve. Maintaining a zero burro population would be difficult in that area, which is separated from the majority of the preserve by Interstate 15. Once burros are eradicated from the portion of Mojave National Preserve south of I-15, maintaining a zero population would be possible. The National Park Service would work with the Bureau of Land Management to reduce the incidents of burro trespass within the Clark Mountain area. Mojave's excessive burro population and existence of numerous corrals and developed water sources provides opportunities for capture operations. However, the preserve is open to trying any method that would successfully capture burros and reduce the cost of the program.

Burro Damage

Comment: *Is there research displaying a direct correlation between burros and resource damage in Mojave? The Draft Environmental Impact Statement's reference to research conducted in Death Valley as evidence that habitat degradation is occurring in Mojave is objectionable. That research was conducted in the 1980s and 1990s when the burro population in Death Valley was more than 6,000.*

Response: Literature documenting burro damage within the Mojave Desert is cited in the draft plan. The fact that these studies may not have occurred directly in the preserve is of little relevance. The research done in Death Valley was performed in the late 1970s and early 1980s when burro populations were between 2000–3000 animals. At that time Death Valley was only slightly larger than the 1.6 million acre Mojave National Preserve. The research study results quoted are from nearly identical vegetation types and are scientifically representative. Interpolating information on the resource damage caused by burros within the southwestern landscape is a useful tool. Having documented cases of disturbance within the Mojave Desert (about 130 miles north of the preserve) supports this interpolation. Observations by Mojave staff and scientists familiar with the Preserve also show burro damage in numerous areas within the preserve, e.g. Granite Mountain, Ivanpah Mountains, and Cinder Cones. Wallows and trails are extensive in some areas.

Comment: *Provide information pertaining to damage of ecosystems caused by wild burros in Mojave, and distinguishable from that caused by cattle.*

Response: The evidence of burro damage is easily distinguished from that caused by cattle. The only place this is not true is around livestock-watering operations. Otherwise, burro tracks and droppings in and around wallows, trails, and damaged springs, and the absence of cattle signs are clear and compelling evidence.

Comment: Potential for burros to damage research plots should not be a factor in consideration for burro removal since the document even says that no damage by burros has ever occurred to date.

Response: The burro damage to vegetation that has been cited in the draft plan is the justification for retaining the statement that burros have potential to damage research plots.

Comment: How can it be determined what species created the trails (statement on page 180 of the draft). Burros and cattle graze many of the same areas.

Response: Burro tracks and droppings in and around wallows, trails, and damaged springs, and the absence of cattle signs are clear and compelling evidence. In Death Valley National Monument, burro trailing was very evident in many places. Trails from other species are very difficult to detect. Signs of burro trailing have barely diminished in the last 15 years.

Burro Population

Comment: Planned burro removals in Death Valley and Mojave would remove 64% of BLM's herd management areas that were identified by administration of the act of 1971, and would remove burros from one-third of their range.

Response: The draft plan states that there would be a 60% reduction in the BLM's herd management levels within the California desert. This change is a result of Congressional action changing the management of federal lands in the desert. HMAs are not applicable on lands administered by the NPS. The history of burro management has not been too few burros within the California desert. The population of burros in the Mojave National Preserve in 1996 exceeded 1,500 animals, in an area where 130 were authorized under BLM herd management levels. In Death Valley, China Lake and Ft. Irwin in the mid-1980s, in excess of 18,000 burros and horses were removed. In BLM managed areas outside of NPS units, at least 1,500 burros live in the new, reduced BLM Herd Management Areas and in areas outside of BLM's HMAs. Thus, on the remaining BLM lands, there exists a population about 175% of the size the Bureau of Land Management was prescribed to managed prior to the CDPA passage. The cost to the public for burro and horse management has been millions.

Comment: The burro population of 130 appears unrealistically low. There is no explanation for how the number was arrived at or what territory it was intended to cover. If the BLM boundary is not identical with the preserve, determine a new appropriate management level and reveal the data.

Response: The BLM herd management areas are identified in their Desert Plan and the East Mojave Scenic Area Plan. We are not sure how the Bureau of Land Management set the numbers, but that has no bearing on this document. The fact is, the Bureau of Land Management set levels for the scenic area, and the NPS agreed to manage the preserve to those same levels until an NPS plan were in place. That is a description of the no-action alternative. Since 1997, the NPS has spent nearly \$1 million dollars removing 2,354 burros and has still not brought the population down to the BLM authorized herd level of 130 burros.

Comment: The plan fails to consider that alternative one is based on the unsupported premise that the burro population will be reduced from 1,300 to 130 by live capture in the next 11 months.

Response: The preserve has been actively (and very successfully) removing burros by live capture since 1997 under an agreement with the Bureau of Land Management to maintain the populations at the authorized herd management level of 130 burros that the BLM established. The National Park Service counted burros in October 1996 in the previous BLM herd management areas and discovered

about 1,400 burros. The entire preserve was not counted. Considering uncounted areas and population growth of about 20 percent annually, the real population probably exceeds 2,000 burros. As of June 2000, approximately 2,354 burros have been removed from the preserve by live water trapping and recent helicopter and wrangler roundups. The park plans on conducting another census at the end of FY 2001. If the proposed action alternative is adopted in the record of decision, the capture would transition from the current program to full removal with no detectable change. If alternative 2 were selected, captures would be structured to achieve a level of 130 burros.

Comment: Removal strategies need to exceed the burro's reproductive rate of 18% to 20% a year as well as the rate of immigration from BLM lands.

Response: The Park Service is aware of the burro's potential for rapid population growth (up to 20% per year). The alternative 1 section dealing with burro management has been expanded in response to this comment. We are not aware of any wild horses being present in the Preserve, however, the no-burro strategy has been clarified to include wild horses, if any are encountered. It now also includes a maximum three-year capture strategy for phase one and the option to have phases running concurrently in different parts of the preserve. The park also maintains the option of implementing phase three sooner if live captures do not succeed in reducing populations. As captures proceed, a particular area of the park, could be placed in phase two or three separate from the rest of the park. The removal phases have also been modified to clarify that phases one and two must result in adequate removals each year to reduce the populations substantially in the area being targeted. If phase one proves unsuccessful in year one and only results in removing the population growth, the Park Service would move to phases two and three as needed to achieve the desired results.

Comment: Remove additional burros only every 2–4 years. Burro populations cannot increase significantly in 1–2 years).

Response: We disagree. The burro population reproduction rate is estimated to be between 15–20%. In 1998, we observed that nearly every jenny captured was pregnant, and they made up 40 percent of the captures. Delaying burro removal would result in a significant increase in the burro population, ultimately costing the taxpayer more. The quicker the burros can be entirely removed, the sooner the natural resources can begin to recover.

Burro Removal Costs

Comment: In table 3, alternative 1, the cost estimate for burro removal is for 1,800 burros. The plan states that there are 1,300 present and not 1,800. The National Park Service might not incur the \$2 million expense if animal protection groups remove burros at their cost.

Response: The burro population and removal cost estimates have been updated in the revised DEIS to reflect the ongoing successful capture and adoption of about 2,354 burros since 1997. The remaining population is estimated to be about 700 animals. Animal protection groups may be able to save some portion of the total cost of burro removal, but estimates are not available due to the unknown nature of their commitment to participate.

Miscellaneous

Comment: Replacing burro grazing pressure with pronghorn antelope pressure could eventually bring grazing pressure to the same or greater levels as today. There is no mention of pressure from deer or of removal of other nonnative animals.

Response: The draft plan mentions the NPS policy of reintroduction of native species. If and when proposals are developed to examine the feasibility of pronghorn antelope reintroduction, all impacts from such activities would be analyzed. The draft plan also mentions that deer and chukar are exotic species. The deer population has remained small for the last sixty years, and impacts on the scale of those inflicted on the environment by the burro, are not seen. There is no existing evidence that chukar are adversely impacting the environment. Deer and chukar populations are controlled each year with hunting.

Comment: *The burro can be seen as a natural, though nonnative resource of the park. The burro can be viewed as a living historic object. Burros add to the scenic beauty of the area.*

Response: We understand that some people enjoy viewing burros. However, their inappropriateness in a park ecosystem is the position of the proposed action. The impact discussion recognizes that some visitors would perceive the removal of burros negatively. The burro as a component of mining history would be addressed through interpretive materials. However, the burro as a free roaming component of the natural environment does not represent the historic use of the animal as a beast of burden.

Comment: *Restoring the preserve to its Pre-Columbian state seems ludicrous. The area cannot be completely restored with cattle grazing still occurring. The need for restoration of vegetation and water is not strongly presented in plan.*

Response: The NPS management goal is to reestablish conditions that allow the ecosystem to function naturally without interference from human activities, as much as possible. We are not choosing a time period so much, as working to prevent nonnative species from taking over and altering the ecosystem and out-competing native species. Where native species have been extirpated due to human causes, we will work to restore these populations. It is not our goal to “freeze” the environment in its current state, but rather allow it to function and evolve as a natural, self-sustaining ecosystem where native species thrive. This goal includes the eventual phase-out of cattle grazing, via voluntary sale of permits by ranchers.

Comment: *The plan fails to address resource conflicts between cattle and wildlife other than burros. The plan fails to estimate the populations of such wildlife, fails to estimate the population of deer, and does not disclose the number of cattle allowed to be grazed.*

Response: The draft plan does address the number of cattle and number of burros present and the impacts on vegetation, wildlife, soils, and water. It does not try to assign impact quantitatively to each species group. However, it does address the amount of forage required by burros in the impact section of alternative two. While similar numbers were not provided for cattle, we do know that burro digestive systems are not as efficient as the cow, and thus have to consume a much larger volume of food to extract the same amount of nutrition that a cow would get from a smaller volume. The text also describes cattle as having the potential of being destructive to the preserve’s resources. However, Congress mandates cattle grazing in the preserve. The 1998 draft plan addressed in at least two places (pages 84 and 166) that there are over 30,000 animal unit months (AUMs) authorized for cattle grazing within the preserve. An AUM is defined on page 166 of the draft plan as one cow and one calf grazing for one month. This is about 3,100 cows and calves. A grazing management plan would address the management of cattle to minimize effects on park resources. Other than the desert tortoise, there is no documentation from the Bureau of Land Management or the California Department of Fish and Game of wildlife/cattle “conflicts.”

There are no known deer population records for the preserve. However, based upon the few animals killed each year (CDF&G hunting records) and staff observations over the last five years, this data implies a very small population within the preserve.

Comment: *Include specific statistics from California Highway Patrol regarding burro-related auto accidents.*

Response: Vehicles occasionally strike burros in the Preserve. Removing burros would eliminate these accidents.

Comment: *The Park Service is singling out burros for reduction although Mojave is a preserve and permits activities (cattle grazing, mining, hunting, ORV use) that have a detrimental impact on both native ecosystems and wildlife species.*

Response: Mojave is a unit of the National Park System and is managed under the same body of laws and regulations as every other unit. It was designated by Congress as a preserve, instead of a park, for only one reason – that hunting is allowed. Congress permits this activity by law. Legislation to create Mojave was originally for a park designation, until a compromise to allow hunting was reached. Congress also provided for mining and grazing to continue under NPS regulation, but without hunting, the area would have been designated as a national park. Grazing and mining occur in other national parks, specifically, Death Valley National Park. Offroad vehicle use is not allowed anywhere in the Preserve.

Direct Reduction

Comment: *As long as Wild Burro Rescue and allied organizations are making a credible, good-faith effort to stabilize and reduce the burro population, it is not plausible that there is any necessity of direct reduction to expedite the process. Do not use direct reduction, lethal removals of wild burros, including live capture of burros for the purpose of sale to slaughter. Other comments suggested we adopt the most efficient method to eliminate feral burros—direct reduction.*

Response: Alternative one is the proposed action and this alternative does include the possibility of killing a few burros. It is not a primary method of removal, but rather a last resort. It is also one we hope to avoid through the efforts of animal protection groups. The proposed action includes an option for animal protection groups to remove the remaining burros at their expense after phase one has removed the majority of the animals by water trapping or wrangling. The option of retaining some burros does not meet the goal of zero burros. Killing feral burros is seen as a very last resort to reduce the population to near zero. No burros captured in Mojave have been, or are proposed to be sold for slaughter.

Fencing

Comment: *Fencing springs in Clark Mountain for burro exclusion is unacceptable because it would also impact other wildlife species. Fencing between NPS and BLM lands should not occur because it would be a waste of money and would negatively impact the scenery.*

Response: We generally agree with your opinion on fencing. It is not something we want to do anywhere in parks if it can be avoided. If fencing were installed, the National Park Service would use the California Department of Fish and Game's design that excludes burros and cattle from springs, but allows for wildlife use. If a fence were installed along the boundary of the Preserve in the Clark Mountains, construction of pipe fencing for bighorn sheep crossing in critical migratory paths would

need to be included. However, until the grazing permit in this area is extinguished, fencing is probably not a viable option.

Comment: *A no burro policy is an appropriate administrative decision. Fences that may be constructed on the boundary at Clark Mountain must be compatible with bighorn sheep movements.*

Response: The National Park Service would consult with California Department of Fish and Game before constructing any fences to prevent burro access.

Corralled Herd of Burros

Comment: *The National Park Service should designate an area where a small herd of burros will be legally permitted to live.*

Response: BLM and Forest Service lands have been designated by Congress as those areas where burros may be allowed. Maintaining a corralled herd of exotic animals in a NPS unit is contrary to NPS management policies. This would only be appropriate if they were used as stock animals. A discussion regarding this suggested alternative is found on page 39 of the 1998 draft plan.

Desert Tortoise Impacts

Comment: *There is no compelling evidence of burro impacts on desert tortoise in Mojave. The National Park Service needs to document specific impacts of burros on desert tortoise populations in Mojave if the National Park Service is relying on this argument to reduce and/or remove burros from Mojave.*

Response: Information provided in the “Affected Environment” section gives compelling justification for removal of this exotic species from the preserve. This exotic species competes for the same resources as the native desert tortoise. The burro is known to disturb soil through compaction and by their wallowing activities. The desert tortoise recovery plan calls for removal of burros from critical habitat. National Park Service management policies direct park managers to remove exotic species. These and other reasons stated within the above section are adequate reasons why burros should be removed so that the native resources can be protected.

Comment: *Reducing the burro population to 130 should help with impacts on food sources.*

Response: Reducing burros to 130 would reduce their impact on the park’s environment. Therefore, eliminating burros would eliminate their impacts on the park’s environment.

Comment: *Even though HMAs and DWMAs overlap, they must be managed to benefit both species.*

Response: We disagree. The National Park Service has a mandate to protect native species. The U.S. Fish and Wildlife Service in their recovery plan for the desert tortoise recommends that certain competing or threatening factors, such as burros, offroad vehicle use, and hunting for a portion of the year, be eliminated to enhance the tortoise’s protection and recovery. Burros are to be managed by the Bureau of Land Management to be in balance with the ecosystem. In some areas, they have established zero or very low population levels for resource protection purposes.

Wild and Free-Roaming Horse and Burro Act of 1971

Comment: *The Draft Environmental Impact Statement incorrectly identifies wild burros as an “introduced” or “exotic” species. The plan fails to take into account the special status congress conferred on wild burros in the Wild and Free-Roaming Horses and Burros Act of 1971.*

Response: We disagree with the statement that the draft plan incorrectly identifies burros as exotic or introduced. We have no compelling evidence to suggest that these animals are not the descendants of burros released by miners in the late 1800s. Cattle, on the other hand, are also definitely exotic species, but are mandated by Congress in the California Desert Protection Act. The Wild Horse and Burro Act is for “Public Lands.” That term is clearly defined as those lands administered by the Bureau of Land Management and the U.S. Forest Service. The act does not apply to the NPS-managed lands.

Tamarisk

Trees Along Union Pacific Railroad

Comment: *Tamarisk along the railroad should also be removed because of seed spreading.*

Response: The tamarisk planted along the Union Pacific railroad are on their right-of-way and are needed for maintenance of the track through this sandy environment. We will explore other options with them and are open to suggestions to present to them. The species planted (athel tamarisk) though nonnative, is not the weedy one that spreads voraciously. There has been no documentation or observations of this species of tamarisk developing from seed dispersal in this area. Mojave is fortunate in being way ahead of the game in removal of the pernicious tamarisk.

Removal of Athel Trees at Kelso

Comment: *Tamarisk should be eradicated. Athel should also be included in the eradication program.*

Response: NPS policy is to eradicate exotic species when control is prudent and feasible, and the species are not considered part of an historic landscape. The Athel tamarisk trees along the Union Pacific Railroad right-of-way are on private property. Trees at the Kelso Depot would be evaluated in the development of the historic landscaping plan for the area. They may be retained if necessary if determined to be part of the historic landscaping, or replaced with other trees.

Use of Herbicides

Comment: *The plan should specifically state that there would be no poisons used in tamarisk removal efforts.*

Response: Successful control of tamarisk has been demonstrated in numerous projects throughout the southwest. Only authorized herbicides would be used in tamarisk control efforts. Such herbicides are non-persistent, nontoxic to aquatic life and are used in accordance with accepted management practices and proper dosages. Use of herbicides and pesticides is strictly controlled in NPS units.

Miscellaneous

Comment: *Goat-head thorns are prevalent around cattle corrals. Are there any plans of controlling this nonnative weed?*

Response: We currently are unaware of any effective control methods in use for goat-head thorns, but are very interested in pursuing effective controls. A region wide invasive plant control project may be funded in the next couple of years. If funding is received, all noxious weeds would be inventoried, plans for their elimination developed, and control or eradication efforts initiated.

Comment: *Mountain lion population is high due to exotic deer. Address exotic mammals (deer and mountain lion) more in the plan. Discuss mountain lion effects on bighorn sheep population.*

Response: The effect of the introduced deer population on the native mountain lion population, and perhaps resulting effects on the native bighorn sheep, is an interesting question. The preserve would be interested in future research to address this relationship. What is the “natural” lion population level? What affect do the over 3,000 cattle, 600 bighorn sheep and 2,000 burros that existed simultaneously within the preserve contribute to the lion population increase?

Native Species Restoration

Comment: *Has any plant restoration/reclamation happened within the confines of the Preserve historically (mining reclamation perhaps)?*

Response: A large-scale plant restoration project occurred north of the preserve along the Kern River Pipeline (see H. Wilshire, in Proc. E. Mojave Desert Symp., 1992, U.C. Riverside). Restoration work occurred at the Coliseum mine in the early 1990s, including revegetation. Immediately outside the preserve along the Nevada stateline, Viceroy Mine is conducting active native plant restoration on mined areas. In the fall of 1999, AT&T removed their cable from the preserve, and plant restoration work is planned along this east-west route.

Fire Management

Comment: *Identify fire-related research needs and initiated long-term strategies. Fire management discussion needs to mention its application to wilderness. Fire management decisions must be integrated into a management strategy that understands that within wilderness, fire is an essential component.*

Response: The text has been revised to address fire management in wilderness. Before prescribed fires are recommended, studies would be conducted that should help determine historic and pre-historic fire frequency. A separate, detailed fire management plan is currently being prepared by the park to provide specific guidance for this program.

Inventorying and Monitoring

Comment: *The plan is deficient in commitments to inventory and monitor resources. If the resource management plan and the inventorying and monitoring plan have general guidelines that accomplish the requirements of ecosystem/habitat inventorying and monitoring, then include them in this plan.*

Response: The National Park Service recognizes, as stated on page 62 of the 1998 draft plan, the importance of inventorying and monitoring park resources. This discussion has been expanded in the revised DEIS. Funding for a national program is being sought in fiscal year 2001 for all NPS units. Some funding was recently received for the desert parks in FY2000 and we are working jointly with these other desert parks on this issue. We have also hired a wildlife biologist that will take the lead on

this project for Mojave. No inventory and monitoring strategy has yet been developed. Clearly some resource issues have surfaced as highest priority, including desert tortoise populations and health status, range conditions, and water resources. However, development of a coordinated, comprehensive inventory and monitoring program would take additional research, meetings, and discussion with experts and interested public in order to formulate a logical and well thought out program. We are fortunate to have other parks leading the way (such as Lake Mead and Organ Pipe) that will provide good examples and guidance.

The Resource Management Plan (RMP) was initially drafted in 1998 and is currently undergoing internal review. The RMP provides a summary of the known resource data, summarizes the resource issues and ranks them as to funding priority. This list is updated every year. Detailed project statements are also prepared for the highest priority projects. Since this document is not a decision making document it is usually not accompanied by an impact analysis. It is a public document though and is available upon request.

Miscellaneous

Comment: *Can we assume that the National Park Service will not allow the Federal Animal Damage Control Agency to poison or kill wildlife to protect livestock?*

Response: The National Park Service may initiate wildlife control efforts to protect the health and safety of visitors, staff, or private property. Controls may also be used to protect threatened or endangered species.

CULTURAL RESOURCES

Level of Detail

Comment: *The plan is not detailed and comprehensive and barely addresses historical and cultural sites, except Kelso Depot. What is the urgent need to restore Kelso Depot to the exclusion of other cultural resources? What is the schedule of detailed plans to follow?*

Response: NPS general management plans represent the first phase of tiered planning for parks and provide the overall management framework under which other more detailed plans are developed. The NPS planning process involves several levels of planning that become increasingly more detailed and complementary by agreeing first on why the preserve was established and what resource conditions and visitor experiences should exist there, and then by becoming increasingly focused on how those conditions should be achieved. Decisions about site-specific actions are deferred to implementation planning when more detailed site-specific analysis would be done. We believe that the draft plan put together with 31 public meetings, numerous meetings with the Mojave Advisory Commission, and with revisions and adjustments made through the public review process, presents an adequate framework for managing the preserve and guidance for preparing future activity level plans. We believe that the 63 pages of text in the 1998 draft plan devoted to describing the proposed action and the two alternatives is of sufficient detail to accomplish the stated planning objectives and address the range of issues for the management of the preserve for the first tier planning document. However, in response to this concern, we have substantially increased the description of the cultural resource proposal and alternatives to provide additional detail and clarity.

The cultural resource section in the draft plan provides a detailed and comprehensive strategy for inventorying, monitoring research, evaluation and nomination of cultural properties sufficient for the GMP framework. The details provided appear to be more than sufficient to guide the future management and development of the cultural resource component of the resource management plan. Additional details have been added to the revised plan to address recent developments in our management responsibilities regarding cultural resources and Native Americans. Regarding cultural resources management activities, our resource staff has undertaken several activities designed to gather existing data, organize it into databases and GIS layers, and document several important structures and sites for potential nomination to the National Register of Historic Places. These are extremely important steps that must be undertaken before any comprehensive and detailed management program can be realistically presented. The park staff has been actively managing the park under NPS regulations and policies while the GMP process has been underway. We are proud of our accomplishments and the staff that we have been able to attract.

The details provided on the Kelso Depot restoration/rehabilitation are unusual for a general management plan. However, because of the specific direction of the California Desert Protection Act to look at the depot for use as a facility for interpretive, educational and scientific programs for visitors, such details were necessary. It is also important for the park to have a central facility for visitor contact as soon as possible.

The list of future planning needs in the draft plan has been updated to include priorities and some additional plans. NPS planning policy directs the park to prepare certain of these plans. Priorities are often driven by the most compelling need and funding. Several of the identified plans have already been initiated, such as the resource management plan, fire management plan, wilderness management plan and development concept plans for Hole-in-the-Wall and Soda Springs. Most of these plans also involve preparation of an accompanying environmental document that will provide for public review and input.

NATIVE AMERICAN INTERESTS

Comment: *The final plan must include all details of the selection and mandates of the “review committee” for Native American issues and a published schedule of their meetings.*

Response: This proposal has been deleted from the revised DEIS.

Comment: *The draft plan and the “Land Protection Plan” do not list tribal resources (lands, water rights, or retained statutory hunting/fishing rights) within Mojave. Yet, the plan says that Indian trust resources will be identified and subject to agreements.*

Response: The section on National American interests has been updated to include a summary of our responsibilities. Resources important to the tribes have not yet been adequately identified.

VISITOR USE, SERVICES, AND FACILITIES

Visitor Information Centers

Comment: Encourage further consideration of the Baker site and other entrance sites because of the advantage of providing visitors with information at the beginning of their visit to the preserve.

Response: The plan has been modified to reflect that Baker and other entrances are excellent locations to provide visitor information as they enter the preserve. Consideration of a large visitor center in Baker in lieu of the depot if restoration money is unavailable has also been added.

Comment: The proposal to even review the siting of the Hole-in-the-Wall information center is ludicrous. The cost is not reasonable at this time. Its siting is appropriate relative to resources and the campground.

Response: Some have also been critical of the siting of the information center trailers at Hole-in-the-Wall in front of a beautiful landscape. Current NPS management policy for facilities directs that they be secondary to the park resources and not distract or conflict with the visitors' experience of these resources. Options adhering to NPS management policy and design philosophy are being considered in a separate site-specific planning effort. These options include 1) no action, 2) reducing the footprint of the current structure in place and restoration much of the disturbed landscape, or 3) replacing the current modular structures after their useful life in a new location with a structure that fits with the landscape. These options have been presented to the Advisory Commission, and will receive public scrutiny in a separate environmental assessment.

Comment: The present Hole-in-the-Wall information center is in violation of building codes, and the buildings are substandard. Consideration needs to be given to removing it from this site which is/was a rich grassland.

Response: See response above.

Comment: The National Park Service needs to closely consider the alternative of developing part of Kelso Depot for interpretive purposes, but also investing more in the development of visitor contact facilities at current sites.

Response: Congress provided specific instructions to the National Park Service in the California Desert Protection Act to evaluate the feasibility of using the depot to provide public access to and a facility for special interpretive, educational, and scientific programs within the preserve. The plan also addressed the use of Baker and other key gateway communities and the internet as potential locations and media to provide visitor information before they enter the preserve.

Facilities

Comment: The mission of the National Park Service is to preserve and provide public access. Provide public access to all persons including people with disabilities.

Response: The management objectives in the revised draft plan address finding creative ways of increasing accessibility of NPS programs, facilities and experiences. The law also requires all public facilities to be accessible. The National Park Service is open to suggestions of ways that the

experience of the park can be made available to all persons. We will work with groups representing Americans with disabilities to determine facilities and other methods that should be considered to improve access. Our design process for rehabilitating the Kelso Depot for use as a visitor center fully incorporates accessible use. We are also exploring the potential for accessible trails.

Comment: Consider the establishment of a lodging concession inside the preserve so that people can stay for several days without wasting time driving in and out of the preserve each day especially for senior visitors and those who prefer not to camp.

Response: The vast majority of public sentiment and the consensus of the Mojave National Preserve Advisory Commission was in favor of looking to gateway communities to provide such commercial lodging and other visitor support services. The emphasis for the future of the preserve was to retain its primitive, undeveloped character. At this point, lodging is available in Baker, Nipton, Primm, Needles and Barstow. Gas and food service is available at several locations along the boundary of the preserve, typically within an hour of any particular location inside the preserve.

Kelso Depot

Comment: Establishment of the Beanery is not consistent with alternative 1's general tendency to limit development to that which is necessary and appropriate and to place services and facilities outside the park.

Response: This proposal is consistent with the historic resource study, the majority of the public and the Advisory Commission opinions that the Beanery is an essential part of the depot restoration. Whether it ever operates as a food service, or simply has the appearance of the old restaurant is still unknown.

Comment: Protect the depot from any flooding and any major structural damage. Any further restoration should only be undertaken after a major program of land acquisitions and conservation easements has been accomplished.

Response: The park has submitted budget requests to undertake stabilization, fire and security protection measures on the depot. However, this request has not yet been identified as a high priority nationally by the NPS in comparison with other projects. The preserve, as with all NPS units, receives funding from different internal and external budget sources. Cultural resource restoration, road maintenance, and natural resource studies are funded from different accounts. Kelso Depot's restoration would be funded as a line item in the annual federal budget. Land acquisitions are from other budgetary sources. If we receive money from one source for a particular purpose, we cannot simply use it for another purpose.

Comment: The Kelso Depot Development Concept Plan (DCP) lacks a thorough analysis of potential environmental impacts (restore landscape, flood, water consumption, consultation with Fish and Wildlife Service). It doesn't consider other reasonable alternatives. The DCP should not be substituted for an environmental assessment or an environmental impact statement.

Response: Several alternatives for the Kelso Depot are considered both in the DCP and in the GMP, from no restoration, to full restoration, to only stabilization. Impacts of these options are addressed in the Environmental Consequences section. Consultation with the USFWS on all aspects of the GMP was initiated at the time of its release. It is unclear what additional details are needed to make a decision whether to proceed with restoration of the depot for a visitor center. Preliminary design planning is the next step in the process. The National Park Service completed a very detailed and

thorough Historic Structures Report during the GMP planning process. The amount of detail is comparable to other NPS units that have included development concept plans within a general management plan.

Recreational Day Use

Climbing Issues and Resources

Comment: The proposed management direction for rock-climbing should be modified to follow established NPS guidance. There is no mention of NPS-77 (backcountry recreation management). This is evident in the draft plan's treatment of technical climbing.

Response: The plan has been modified to incorporate additional information about the existing known climbing situation at Clark Mountain and the resource issues that need to be addressed. These issues include use of power drills in wilderness, parking, braided trails to and from the climbing location, clearing of vegetation by climbers on the rock face, permanent scarring of the rock face and potential impacts to bighorn sheep. There is also a concern about unauthorized climbing in the Granite Mountains on the University of California property. The staff there are concerned about inadvertent damage done to long-term research study plots. The park will also investigate the climbing situation at Clark Mountain and determine whether a climbing management plan is required.

Comment: The plan's proposed ban on placement of permanent anchors/bolts in or on rock faces is not warranted by existing or probable future resource conditions and should not be made in absence of field data.

Response: The issue of bolting needs to be considered by park management, which also needs to determine whether we need a climbing management plan. We understand that there are currently at least 82 bolted routes on Clark Mountain with hundreds of permanent bolts already in place. However, when park staff visited this area recently, they were impressed by the apparent lack of obvious impacts from climbing activities. The permanent bolts there are mostly unobtrusive. Some climbing paraphernalia, however, is quite visible when hiking in the area and standards need to be adopted to guide what is acceptable to leave. The fact that the climbing area on Clark Mountain is now in wilderness, eliminating the use of power drills, would likely severely limit new bolt placement. This plan must lean towards resource protection in the absence of this detailed information.

Comment: Consider the prohibition of power drills for installation of climbing "bolts" throughout Mojave. State that power drills are illegal in wilderness. Bolts and other fixed anchors are not inappropriate in wilderness if placed discretely and occasionally.

Response: The proposed plan has been modified to indicate that use of power drills is not allowed anywhere in the Preserve. The climbing section has been substantially rewritten in the revised DEIS.

Mountain Bicycling

Comment: Do not prohibit mountain bicycling on single-track trails within the preserve or allow only hikers and equestrian users to have access to certain other trails within the preserve.

Response: No mechanical devices, including mountain bikes, are allowed within wilderness. Mountain bikes are allowed on all open roads, which total about 2,000 miles. Some single-track trails may be considered for mountain bike use in the backcountry/wilderness plan. However, until a complete

inventory and assessment of the trails can be accomplished, no mountain bikes are permitted on single-track trails.

Sandboarding

Comment: Is there a site management plan for Kelso Dunes? Prohibit skiing, snow sledding, and sand boarding on the dunes.

Response: There is no existing site plan for Kelso Dunes, nor is there any indication that one is needed. The use of skies, sleds, and sandboards are not prohibited at this time.

Hunting, Trapping, and Fishing

CDPA Mandated Hunting

Comment: Are hunting rights protected in the preserve? Don't penalize the ethical hunter to protect the tortoise. Arrest those unscrupulous people that molest the tortoise with or without guns.

Response: The California Desert Protection Act provided for hunting to continue in the preserve, but also provided that closed areas may be designated and no hunting periods established, for reasons of public safety, administration, or compliance with other applicable laws. The goals of the hunting changes in the proposed action are to provide better protection for the desert tortoise and other park resources and to enhance visitor safety. It is also to strike a balance with the mission of the park, which is preservation of resources. We believe the proposed action provides opportunities for hunters to take game species during the fall and winter state hunting seasons, while also providing a park experience with no hunting or shooting during the spring and summer seasons. The existing management alternative is also a feasible and selectable alternative that provides for year-round hunting of all species open to hunting under California law.

The proposed action is following the recommendations of the recovery plan regarding discharge of firearms. The National Park Service does not believe that responsible hunters are shooting desert tortoises, nor do we have any data for the preserve on tortoise deaths resulting from shooting. However, the proposed action alternative would create a situation where shooting should not be occurring the park from February through August, during the primary tortoise active period. By limiting shooting to this period, it would be easier for visitors and staff to identify illegal shooting activity because firearms should not otherwise be discharged except during the open season. We believe that allowing hunting half the year, and providing a park free of shooting during the other half is a reasonable balance.

Agency Roles in Managing Wildlife

Comment: Normal season and bag limits should apply within Mojave based on the objective of providing clear and consistent regulations for the public. California Department of Fish and Game is the appropriate authority to adopt hunting and take regulations, not through land use planning by federal agencies.

Response: The proposed action alternative has been modified to allow for hunting of small game, upland game birds, and big game during their normal state seasons, with one exception. Rabbit hunting would be limited to September through January in accordance with recommendations of the

desert tortoise recovery plan regarding firearms discharge. Alternative 2 addresses the option of allowing continued hunting of coyotes, bobcats and other predator species.

The National Park Service has long recognized the state's role in wildlife management in parks and entered into an agreement with them in 1971 for purposes of cooperating. However, Congress clearly provided the National Park Service with a mandate in our 1916 Organic Act, to preserve the wild life, and other resources within park units. They also reiterated in the California Desert Protection Act our mandate to preserve wildlife by affording the new preserve full recognition and statutory protection to establish periods when, no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. With both agencies having a role in managing wildlife in the preserve, the appropriate process for determining the overall management strategy is to examine alternatives in the GMP planning process, then seek public input. Consultation with the California Department of Fish and Game has been occurring orally, in writing, via our Advisory Commission and through the draft document. Once a coordinated decision on wildlife management is reached that meets both our preservation mandate and the hunting mandate, the National Park Service would seek state regulations to implement this management goal.

Comment: By what authority has the National Park Service prohibited previously authorized hunting?

Response: The National Park Service has not prohibited hunting in the preserve. The draft management plan proposes some changes, which is provided for in the California Desert Protection Act. Section 506 of the CDPA, 16 U.S.C. § 410aaa-46(b) acknowledges that state laws concerning hunting, fishing and trapping still apply in Mojave National Preserve, but that the NPS may "designate areas where, and establish periods when, no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law."

Comment: The National Park Service should set the hunting policy for preserve, not the California Department of Fish and Game.

Response: We certainly agree that the National Park Service has a critical role to play in the management of hunting in the preserve. However, we also acknowledge that section 506 of the CDPA provides that State laws concerning hunting, fishing and trapping still apply in Mojave National Preserve. The National Park Service cannot impose restrictions without consulting California Department of Fish and Game, except in emergencies. This planning process is considered sufficient consultation for this purpose.

Use of Hunting Dogs

Comment: Prohibit hunting with dogs. The proposed restrictions on hunting with dogs are a good step, but not enough. Other comments suggested that we do not require hunters to keep their dog on a leash while hunting. Dogs track wounded game. There are safety risks from carrying a loaded firearm and firing it while being connected to a large dog, crossing steep, hazardous terrain, and fatigue.

Response: Dogs are natural predators by instinct and allowing them to run free is not normally permitted in national park units. However, because of the hunting provisions in the CDPA that apply to Mojave, the NPS believes that allowing the use of hunting dogs in accordance with CDF&G regulations and Preserve restrictions is in keeping with Congressional intent. By limiting hunting to the fall and winter months, potential harassment of tortoise by hunting dogs has been significantly reduced. Information will be provided to hunters advising them of their responsibility to closely monitor their dogs in accordance with CDF&G regulations and restrictions imposed by the Superintendent. Hunters will be fully responsible for ensuring that their dogs do not harass or kill

tortoise or other wildlife that they encounter. Severe penalties are imposed by NPS and USFWS for harassment or take of listed species.

Wildlife Guzzlers

Comment: Where hunting and water developments are concerned, the Park Service is trying to change Mojave into another national park. Mojave should consult with California Department of Fish and Game in matters of wildlife management and sustaining their habitats.

Response: The proposed action on water developments actually states the opposite. It states that water developments would be retained where they are needed to replace water lost due to human activities. The objective is to provide water for wildlife populations at a level that existed prior to disturbance of the habitat. It also provides for restoration of natural waters. If and when natural sources become self-sustaining, then an unnecessary water development may be removed. The Park Service acknowledges the tremendous efforts of the California Department of Fish and Game and volunteers that have reestablished large bighorn sheep populations within the desert. It is certainly not our intention to undo that effort.

Bird Hunting

Comment: Actions to protect the desert tortoise listed on page 56 of the draft plan are acceptable, except modifying bird hunting during state seasons and elimination of all random target shooting do not appear to contribute significantly to desert tortoise recovery.

Response: The hunting section has been modified to adopt CDF&G terminology and seasons for upland game birds, small game and big game. However, random target shooting is not an appropriate activity in the preserve. Visitor safety and resource protection issues take priority.

Predator Hunting/Trapping

Comment: Hunting and trapping of predators should be allowed. Has Mojave consulted with the California Department of Fish and Game about closing the entire preserve to rabbit and predator hunting? Other comments received observed that eliminating the indiscriminate shooting of so called varmint species would prevent killing of coyotes, bobcats, badgers, and other important natural components of Mojave's ecosystem. They suggested banning of predator hunting.

Response: The plan has been modified to recognize the statewide ban on trapping that voters enacted in 1998. Trapping will follow California's 1998 Proposition 4 to the extent that it does not conflict with federal wildlife management. The superintendent retains the authority under 16 U.S.C. sec. 3 to allow trapping by designated individuals to remove (trap or shoot) animals that are a hazard to visitors or park resources. Regarding the elimination of predator hunting, the National Park Service feels very strongly that killing of predators is inconsistent with our mission of preserving a naturally functioning ecosystem. Predators such as coyotes, foxes, bobcats, badgers, and skunks are key elements of a natural system and serve to balance the wildlife populations. While they prey on game species, their primary food sources focus on smaller and more abundant species of rodents, snakes, lizards, insects, and vegetation. We believe these species should be preserved as an essential component of the ecosystem.

Private Lands

Comment: *The National Park Service needs close coordination with the California Department of Fish and Game in the management of shared resources as described in the Memorandum of Understanding because private inholdings (no NPS jurisdiction) are adjacent to NPS lands and both contain contiguous populations of animal and plant resources.*

Response: A statement has been added to the management objectives addressing consultation with California Department of Fish and Game in managing the park's wildlife resources. NPS has a responsibility to address issues arising from hunting on private lands in the preserve where activities carried out on those lands interfere with the designated use of the federal lands.

Reptile and Amphibian Collection

Comment: *The requirement for an NPS scientific collecting permit for nonprotected reptiles and amphibians could be contrary to state law.*

Response: The preserve was established with several conflicting mandates that need to be balanced in this management plan. The National Park Service has a core mission of resource preservation. This desert park also serves as an area for research and education on desert ecosystems. Hunting is a permitted use that needs to be balanced with other park purposes. The proposed action allows more hunting opportunities than the state's Providence Mountain State Recreation Area that is within the preserve's boundaries. We do not believe that Congress envisioned the collection of reptiles and amphibians with a fishing license when they made a last minute compromise to allow hunting in the preserve. We believe these resources should be fully protected in this desert park and not exploited. We believe that collection of reptiles and amphibians should follow federal law and NPS regulations.

Shooting Restrictions

Comment: *The limitations the NPS is proposing to prevent hunting at least 500 yards from any road, building or water source are over restrictive. Existing State regulations are adequate to protect public safety and are more enforceable.*

Response: The proposed action alternative has been modified to follow existing state laws regarding trapping and shooting restrictions, provided they don't interfere with federal wildlife management.

Species that may be Hunted

Comment: *Mojave National Preserve provides some of the finest hunting opportunities for cottontail and jackrabbits, coyotes, bobcats, and collection of reptiles of anywhere in California and should continue to do so for some time.*

Response: The proposed action alternative has been modified to allow for the hunting of small game, upland game birds, and big game during their normal state seasons, with one exception: Rabbit hunting would be limited to September through February in accordance with recommendations of the desert tortoise recovery plan. Alternative 2 addresses the option of allowing continued hunting of coyotes and bobcats.

Organized Events

Comment: *Organized events should be allowed at all developed areas including campgrounds, designated roads and trails, and at sites such as rock formations. This should also apply to permitted groups.*

Response: Organized events may be considered in the preserve at most locations, subject to NPS regulations, provided there are no adverse effects to resources. However, events involving mechanized vehicles or equipment would only be considered on established non-wilderness roads.

Camping

Designating Sites

Comment: *The preserve should consider encouraging use in designated camping areas rather than requiring it.*

Response: The proposed action allows car camping in any previously used site along open roads. No new disturbance is permitted. In heavy use and sensitive resource areas, and for groups with over seven vehicles, resource concerns suggest that designating sites is the appropriate tool.

Inventory of Backcountry Sites

Comment: *Is there a proposed list of informal camping areas (previously used sites and their conditions)? It would be helpful to know these details to assess what the effect of the plan is.*

Response: Mojave does not currently have a list of informal campsites. Page 70 contains a list of informal high use campsites that had been identified by the Bureau of Land Management, which continue to receive higher use. The need for an inventory of informal campsites has been identified and will be pursued sometime in the future when funding or staff time is available. Informal campsites will remain open for use unless designated closed.

Tent-Cabins

Comment: *Develop tent-cabin-style campgrounds.*

Response: Public opinion on developments such as this suggests that the NPS leave these commercial ventures to private businesses.

Facilities/Improvements

Comment: *There is a strong implication that as visitors impact an area the NPS will respond by building more facilities. Though not in GMP, a new campground at Kelso Dunes is being discussed and the campground at Mid Hills has been expanded to accommodate large motor home vehicles.*

Response: The developed campground section of the proposed action alternative states that locations for new semi-developed campgrounds with fewer services and smaller numbers of campsites would be considered. The National Park Service has talked about the possibility of a semi-developed campground at an abandoned mining site near the Kelso Dunes, because of existing public use of the

area. Planning for a semi-developed campground near the dunes may be explored further within NEPA regulations if the plan retains the language of the draft plan on developed campgrounds. Mid Hills campground has not been expanded. The water system, which was in serious disrepair, has been replaced. Picnic tables and fire grates have been refurbished. Painted green posts that delineate camping sites have been replaced with boulders. The existing pit toilets have been replaced with newer “sweet smelling toilets” (SST) toilets. Old worn signs have been replaced. Sites were graded to repair erosion channels. It has definitely not been expanded to accommodate large motor homes.

Comment: No provision was included to provide sanitary facilities at any location (day use and backcountry and roadside camping areas). Install toilet facilities at trailheads and parking areas.

Response: Your concern about human waste at heavily used camping areas is well taken. We have installed additional vault toilets at the Kelso Dunes recently, and are planning facilities for Kelso Depot. Pumping vault toilets at backcountry sites would also present problems. We do address human waste management in special use permits for large groups camping in the backcountry, but having some guidelines in our general backcountry camping literature would be useful to all backcountry users.

Roadside and Backpack Camping

Comment: Camping should be restricted to within 100 feet of existing designated routes and campsites should be more than 200 yards from any water source.

Response: This section has been clarified to reflect that car camping may occur only in previously disturbed sites along open routes of travel outside wilderness. Vehicles may not leave the road surface at any time and park on undisturbed vegetation. Backpack campers may camp anywhere in the preserve outside designated day use only areas, but must erect their tent out of sight of paved roads. The primary issues with camping would then be with ensuring that visitors do not disturb tortoises they encounter and vehicles are examined before moving them to ensure tortoises have not crawled under them for shade. The preserve would undertake a public education initiative relative to camping in tortoise habitat.

Comment: There is no array of reasonable alternatives regarding roadside camping. This violates NEPA. The plan could have considered an alternative that limits roadside camping in areas of critical tortoise habitat. Permit camping in only truly designated sites.

Response: Alternative 3 in the 1998 draft plan (page 106) proposes to limit camping in desert tortoise critical habitat and other sensitive areas to a limited number of designated sites. This is distinctly different from the proposed action. The proposed action alternative is very similar to existing conditions, since the park adopted this policy immediately after the establishment of the area as a park unit. Several actions were taken prior to adopting a management plan, and therefore are very similar to the proposal because they are the preferred approach.

Comment: There needs to be an inventory of previously used sites and their conditions in order to select any alternative. Many previously used sites are within wilderness.

Response: Park staff are currently identifying these areas in their ground truthing of the wilderness boundaries. Some of the previous roadside camping areas may indeed be impacted by wilderness. However, they are still open to camping, just not to vehicle access. As these sites are identified, they will be marked with wilderness signs. Vehicles will be allowed to park on the non-wilderness part of the spur roads, which is normally 30 feet from the centerline of most backcountry dirt roads in

Mojave. The park regularly provides updated camping information brochures to communicate current NPS policy and regulations on backcountry camping.

Comment: The plan fails to meet NEPA requirement of offering an array of reasonable alternatives for roadside camping. Alternative 1 allows it to occur along dirt roads in previously used areas—same strategy as alternative 2. Alternative 3 fails to address this.

Response: The proposed action regarding roadside camping differs substantially from existing management. The proposed action establishes day use only areas, restricts camping around developed areas and paved roads, requires large groups to obtain a permit, proposes a process for relocating or closing some sites in sensitive habitat and calls for designated sites in high use areas. Alternative three does address backcountry and roadside camping on page 106 of the 1998 draft plan. It calls for limiting camping in desert tortoise habitat to designated sites, and for adding metal fire rings and picnic tables to high use areas.

Visitor Use Fees

Comment: Provide a way for visitors to voluntarily pay the NPS admission fee.

Response: Beginning in April 2000, the National Park Service, in partnership with the National Park Foundation, introduced a National Parks Pass. This pass may be purchased at any national park (including Mojave), over the phone, online, and eventually through other retailers. This \$50 annual pass will be good for admission to all national parks for a year. Parks will be able to retain \$35 of this for use on visitor facilities directly in the park where it is purchased. In addition, anyone can voluntarily donate funds to the park for general use or a specifically designated use. Parks can retain and use donated funds. In addition, Mojave can accept, and has received, monetary donations.

Commercial Use

Comment: Reevaluate the position that commercial events will not be permitted on Mojave Road. Consider commercial tours in some limited fashion through a lottery system and limit tours to weekday excursions.

Response: The proposed action has been modified to allow consideration of commercial tours along the Mojave Road. Commercial use of the preserve has also been modified to indicate that some commercial use licenses may be offered to provide for recurring activities that are compatible with the purposes of the preserve and could enhance the visitor experience. Alternative three now considers the option of not allowing commercial tours of the Mojave Road.

ROADS AND CIRCULATION

Carrying Capacity

Comment: The carrying capacity of each road should be established in the plan. A percentage of carrying capacity should be used to determine size of groups that need a permit and the maximum size of a group that would be permitted on each road.

Response: At this point, there is little data available on which to set carrying capacities for each park road. Where overuse on a particular road becomes an issue and resources or the visitor experience are suffering, specific data would have to be gathered and analyzed with public input to determine appropriate and reasonable limits on public use. For now, setting limits on organized events that stress the system for a short duration, due to number of participants or type of activity, seems to be a more reasonable and rational approach to protecting resources and visitor experience.

Duplicate Roads and those in Critical Habitat

Comment: *Alternative 1 should consider closure of roads in desert tortoise critical habitat and roads that duplicate access already provided by another road. A network of roads seems inconsistent with the goal of limited development and allowing for a sense of discovery.*

Response: Alternative three in the revised draft now addressed the potential closure of some roads in critical habitat to eliminate unnecessary and redundant sections, and to protect the desert tortoise. The desire communicated by the public to maintain a sense of exploration and discovery was referring to extensive use of interpretive exhibits and signs. Clearly there was an anticipation of being able to utilize the park via existing roads.

Commercial Vehicle Use

Comment: *By what authority has the National Park Service prohibited commercial vehicles?*

Response: The NPS Organic Act (16 U.S.C.1) and regulations governing activities in national park units (36 CFR 5.6) prohibit the use of commercial vehicles within National Park Service units where such use is in no way connected with the operation of the park.

Definition/Restrictions

Comment: *The plan does not define what a road is. The public needs to understand where motorized vehicle use is and is not allowed (washes).*

Response: National Park Service regulations at 36 CFR 4.10 state that (a) "Operating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use." U.S. Code, Title 23, section 101 defines a park road as: "a public road, including a bridge built primarily for pedestrian use, but with the capacity for use by emergency vehicles, that is located within, or provides access to, an area in the national park system with title and maintenance responsibilities vested in the United States." Any further definition(s) will be deferred to the backcountry and road management plans. At this time, washes are not to be driven in, except where a road that is recognized for vehicle use, leads into and out of the wash, and the wash is part of that designated travel route. Visitors can get information on open travel routes by looking on some park road maps that are available at visitor information centers and other locations.

Management Prescriptions

Comment: *The general management plan should resolve the basic management prescriptions for recreational use of roads and trails, develop a comprehensive monitoring plan, and address resource planning issues at this time.*

Response: The “desired future conditions” section addresses the need for a prescription for recreational uses of roads and trails. Future planning such as the Backcountry / Wilderness management plan will address monitoring and these concerns at a more detailed level.

Heritage Trail

Comment: *Address the East Mojave Heritage Trail.*

Response: The Heritage Trail is an alignment of mostly unimproved backcountry roads identified through a series of guidebooks for interpretive driving. Some sections of this 660-mile recreational trail pass through the preserve. About two miles of this are affected by wilderness designation on Cima Dome. However, open roads are easily followed around this section, increasing the drive by about one mile. We certainly understand the enjoyment that this trail and the guide books provides to the public that enjoys visiting the Mojave Desert by four wheel drive vehicle. Clearly many people will continue to be exposed to the wealth of information presented in these books and will obtain more satisfaction from their desert visit by having utilized them. The park has sold the guidebooks in our information centers in Baker and Needles, and will continue to do so as long as they are available.

Inventory Roads

Comment: *The plan needs to include a complete and accurate inventory and a map of the travel ways in the preserve and should address which of them will be available for use by the public and by what manner.*

Response: This level of detail is inconsistent with current NPS-wide direction for general management plans to focus on long term, desired resource conditions and visitor experiences. (Park Planning, Directors Order #2). We believe that the plan’s management philosophy statement on page 71 of the 1998 draft plan addresses this as does the desired future condition statements. The park’s implementation plans would address this level of detail. The park and other retail outlets have maps for sale that provide information on roads that are open for use. An accurate inventory of all roads is currently not available, but these road maps provide the best information using current information. An inventory would be a component of the park’s road management plan. A small map showing the existing road network was included in the 1998 draft on figure 2. A larger version is included in the revised draft in the back pocket.

Generally, the level of maintenance of existing open roads is not likely to change. Closure of roads is not anticipated at this time in the proposed action, but could be done if needed to protect park resources or visitor safety. Some minor realignment could be undertaken for visitor safety reasons.

Maintenance and Jurisdiction

Comment: *The plan does not indicate who has jurisdiction of roads that county has easements on. How would commercial use be controlled? The county should maintain and control use on all county roads.*

Response: All roads located in the park are under federal ownership and jurisdiction. No commercial vehicle through traffic is allowed (36 CFR 5.6). San Bernardino County has historically maintained most of the roads and has applied for RS-2477 rights-of-way on some roads providing for public access and use. However, these have not yet been determined. The park will work with the county to

develop cooperative agreements to provide for continued maintenance of roads in the park by the county.

Mojave Road

Comment: The National Park Service needs to reevaluate the position that commercial events will not be permitted on Mojave Road. Consider commercial tours in some limited fashion through a lottery system and limit them to weekday excursions.

Response: The proposed plan has been modified to consider commercial tours of the Mojave Road. Commercial use of the preserve has also been modified to indicate that some commercial use licenses may be offered to provide for recurring activities that are compatible with the purposes of the preserve and could enhance the visitor experience. Alternative 3 now addresses the option of no commercial tours of the Mojave Road.

Comment: Don't allow vehicles on some sections of Mojave Road. Alternative 1 should consider if parts of the Mojave Road still retain historic integrity, restricting access to those sections by foot, wagon, or horse only.

Response: Some historic sections of the Mojave Road are already protected from vehicle use. Alternative three considers allowing commercial tours of the road. The existing alignment used by vehicles already bypasses several sections of the historic route, which are not open to mechanized use.

Comment: The group size limits are incorrect. The vehicle limit of 7 is arbitrary. There is no data to suggest the need for such a rule. It is discrimination and biased towards those who make use of vehicles to enjoy the backcountry.

Response: The proposed action in the draft plan did not limit vehicles using the Mojave Road to parties with less than seven vehicles. It proposed that groups with over 15 people or seven or more vehicles would need to obtain a special use permit. These figures were developed after much consultation with the public, staff, other NPS units and discussion with the Advisory Commission. The permit is a means of assuring that resources are protected from inadvertent damage from uninformed large groups. The section on permitting and organized events has been expanded and clarified to provide a better understanding on this topic.

Road Use Data

Comment: The data is misleading in the tables on page 159 of the 1998 draft plan. Present the average weekend and average weekday traffic count for both prime and off-season on roads where data is available.

Response: The visitation statistics are as accurate as possible for the data we collect. Currently, monthly counts are recorded at each entrance. No data is available for weekend versus weekday usage, other than periodic field staff observations.

Roads and Trails

Comment: The purpose of the trail and road plans should be more closely aligned. Description of these plans seems to favor trail recreationists over motorized recreationists.

Response: Mojave National Preserve currently has approximately 2,000 miles of open roads outside wilderness. There are only a couple of dozen miles of constructed trails. If you count all of the roads included in wilderness as potential trails, there are perhaps another 400 miles. Even with this number there are far more roads for motorized recreation than there are trails. Long distance recreation opportunities extending onto adjacent lands already exist for motorized use. This is not true for hiking opportunities.

RS-2477 Assertions

Comment: We do not agree with the National Park Service decision not to address RS-2477 assertions. These are valid existing rights that are protected under CDPA section 507. Replace the term “route determinations” on p. 39 with the term “assertions.”

Response: Determinations of the validity of RS-2477 right-of-way assertions are not planning decisions and cannot be addressed in the NEPA process. A right-of-way asserted under RS-2477 is not automatically assumed to be valid. Regardless of whether a party can successfully assert a valid claim to a right-of-way across national park land, the NPS retains the authority to regulate use of an RS-2477 right-of-way. *See U.S. v. Vogler*, 859 F.2d 638, 642 (9th Cir. 1988). Section 507 applies only to valid existing mineral rights obtained under the various mining laws. However, section 708 does ensure private landowners adequate access for reasonable use and enjoyment of their land.

The section on page 39 of the 1998 draft plan has been updated in the revised draft.

Speed Limit

Comment: The maximum speed limit should be 45 miles per hour, unless the National Park Service designates a higher speed limit. Signs show 55 mph.

Response: The proposed action indicates that the use of seasonal speed limits on certain routes would be analyzed for tortoise protection. We are also interested in the effectiveness of additional temporary barricade type signing with flashing lights and special tortoise signs posted during periods of active tortoise use (spring mornings and evenings, rainfall, etc.). We are concerned about enforcement though, because just posting speed limits does not slow down vehicles.

RESEARCH AND EDUCATION

Protection of Research Areas

Comment: If research areas lose this protection, fewer researchers will choose to conduct studies in Mojave and the quality of those studies will decline. Mojave should first facilitate the research itself, and then second, educate public about it.

Response: We are not sure what protection that this comment is concerned about losing. The lands in Mojave have stronger protection now than they have ever had. We believe there are many environments in the park where research should occur. We believe research data is critical to the future management of the preserve. We are interested in steps that the National Park Service can take to ensure protection of research. Closing areas to public use is not a guarantee. Such a closure would require a vast amount of effort to enforce. Fencing the entire Granite Mountains Reserve to ensure no public access would be prohibitively expensive and would create aesthetic problems and impede wildlife movement. We believe that researchers will understand the enhanced protection that is now available in the preserve and will participate with the National Park Service in working towards a better understanding of its resources.

Comment: *Protected areas are essential because researchers must be able to identify areas where impacts have historically not occurred for comparison to areas where impacts are occurring.*

Response: The Granite Mountains area has been mined and grazed for over 130 years. A patented mining claim exists within the Reserve, and feral burros and cattle grazing have existed within the Granite Mountains Natural Reserve until actions taken recently by the National Park Service. Recently, the park accepted donation of the grazing permit including and surrounding the Reserve, permanently removing cattle grazing. As you state, research has been conducted in this area for over 20 years. The preserve would assure that the same or better protection is provided for the benefit of future research. An example of more protection is that the area is now within wilderness and motorized vehicles and equipment are now prohibited.

Comment: *Granite Mtns. Natural Reserve lands are critical for research and education. They contain the only lands in desert where research is protected. The plan does not adequately support or protect research in the preserve. It fails to protect areas needed for research and does not provide mechanisms or funding for conducting research that it explicitly proposes.*

Response: There are hundreds of thousands of acres of Mojave Desert in national park units where research and education activities may occur and would be afforded a vast amount of protection. While the Granite Mountains Natural Reserve is a small amount of the total acreage of the preserve, it is also one of the more dramatic mountain ranges, situated along a major access road into the park. The general management plan is not the document used to prescribe and budget for research. The resource management plan (RMP) is such a document.

Comment: *Establish a quota system and restrict recreational access to the Silver Peak Road in the Cottonwood Basin.*

Response: We have not been made aware of any vandalism complaints at or near this area. It is suspected that the area receives little use. In the fall of 1997 the summit sign-in sheet showed a total of 4 visitors over the past 12 months. We look forward to working with the Granite Mountains Natural Reserve to develop and implement a system for protecting research in the area.

Alternatives

Comment: *Granite Mountains Natural Reserve is not protected by any alternative. Alternatives 1 and 2 allow environmental degradation by recreational use and alternative 3 requires environmental degradation to occur before management actions can be taken.*

Response: Research and education in the reserve are better protected now than at any time in the history of the area. Congress designated most of the reserve as wilderness in 1994, which prohibits motorized access. The National Park Service is actively removing feral burros from the area and is committed to a zero burro population. Recently, the park accepted donation of the grazing permit including and surrounding the Reserve, permanently removing cattle grazing. No shooting is permitted in the reserve. The area is now included within the boundaries of a national park unit, providing some of the best preservation available under federal law. The proposed action states the National Park Service would work with the universities to ensure protection of research plots. None of the alternatives in the draft plan allow environmental degradation.

Comment: *The plan does not address the full range of possible alternatives including protecting Granite Mountains Natural Reserve before damage is done, protecting Reserve lands for future research and designating an area where research projects are adequately protected from damage, vandalism and disruption.*

Response: We believe the items you suggest are all addressed within the proposed action alternative. In creating the Reserve, Congress directed the National Park Service to enter into a cooperative agreement to ensure continuation of arid land research and education. This agreement was signed by the Superintendent and the Chancellor of UCR on October 2, 1998. Several actions already taken or proposed would provide some protection for research and education greater than what existed in the past. The cooperative agreement is the tool to address issues regarding other specific actions, and is more easily modified to adjust to changing conditions than is the general management plan. We believe that there are many other environments in the preserve where research and education activities should occur outside the reserve. The National Park Service would like to work with the research and education community to identify concerns and mitigation that could apply to any research or education activity, as appropriate.

Comment: *Add a fourth alternative to control recreational use, with a 10-year study addressing possible modification.*

Response: This suggested new alternative would not be substantially different from the proposed action. Currently, the proposal calls for the park to work with the universities to prevent damage to research plots. The park is willing to work with the research community to develop a reasonable strategy for Granite Mountains, Soda Springs, and other areas of the preserve where research is occurring and to devise a program of monitoring to detect needed adjustments.

Cooperative Agreement

Comment: *The plan should more creatively examine how to harness the resources that are already in place at Granite Mountains Natural Reserve. The Park Service should designate it a research natural area.*

Response: The Research and Education section of the document has been substantially revised. We agree that the first draft plan failed to adequately recognize the importance of research. The plan now states affirmatively that we feel very fortunate to have the University of California –Riverside and California State Universities consortium operations in the Preserve. We have signed a cooperative agreement with UCR for Granite Mountains and are actively pursuing one with CSU for the Soda Springs Desert Study Center at Zzyzx. The park has also recently approved the hiring of a research scientist to coordinate research activities and serve as a science advisor to park management. The NPS has also recently established a new Cooperative Education Studies Unit for the southwest deserts in

cooperation with a consortium of universities throughout the southwest. Mojave will be working actively to ensure that research continues to play a large role in the future of this park.

LANDOWNERSHIP AND USE

Preserve Boundary and Authorized Acreage

Adjustments

Comment: The “Landownership and Use” section and the “Land Protection Plan” provide the National Park Service with an avenue to review boundaries established by Congress. The Baker landfill is inappropriate in the preserve.

Response: NPS criteria for examining potential boundary modifications in a general management plan are done with the purpose of adding lands with significant resources or opportunities, or that are critical to fulfilling the park mission. No such suggestions for boundary adjustments were received during scoping. To create a boundary change proposal to exclude land from the park or from wilderness would be highly controversial and would not fit the NPS criteria for boundary adjustments. The now closed landfill is a couple of miles within the preserve boundary. Changing the boundary would not change the existence of the reclaimed landfill, only create either a hole in the park, or remove several thousand acres. Furthermore, if the closed landfill was deleted from the park, NPS regulations and policies would not apply, potentially affecting protection of the area.

Legislative Maps

Comment: Congressional maps are part of the California Desert Protection Act. They should be Included in plan.

Response: It is not feasible to include these maps in the plan. The Congressional (S-21) maps are 24” X 36” blueprints consisting of 22 map sheets. They are available to the public for viewing in our headquarters office in Barstow and have been since early 1995. The official boundary map of the preserve boundary that was generated from the S-21 maps pursuant to Sec. 504 of the California Desert Protection Act, is a set of seven maps sheets (36” X 40”). Copies of this map set have been available for purchase since mid-1996 from Riverside Blueprint. Neither set is of a size that is feasible to include in this plan. However, the official preserve boundary as submitted to Congress is reflected on all the figures included in the draft plan. National Geographic (Trails Illustrated) and the Bureau of Land Management have also produced larger maps with the official boundary. Both maps are available for sale in our Baker and Needles information centers. These maps also include the wilderness boundaries of the preserve.

Wilderness

Access to Water Developments / Allotments

Comment: Alternative 1 does not adhere to the minimum tool concept regarding granting access to guzzlers in wilderness because it does not establish basic guidelines for granting requests.

Response: The proposed action specifically identifies the requirements of the Wilderness Act in managing wilderness areas. Neither the Wilderness Act nor the California Desert Protection Act prohibit grazing in wilderness. The plan has been clarified to indicate that ranchers would normally be required to access wilderness on foot or horseback, similar to other users. However, certain situations may exist where motorized access is necessary to maintain range developments. These types of access could be considered under section 708 of the California Desert Protection Act that provides for adequate access and reasonable use and enjoyment to owners of nonfederal lands or interests that lie in wilderness. A minimum tool determination would be used prior to granting approval for motorized/mechanical equipment use within wilderness. Mojave National Preserve would follow the “Principles for Wilderness Management in the California Desert” (appendix F in volume 1), the Wilderness Act, and the California Desert Protection Act in the administration of the preserve’s wilderness areas. Criteria for access are stated in the Desert Manager’s Wilderness Principles.

Comment: *Access to wilderness areas should be limited to only those uses and methods permitted in wilderness areas. There should be no motorized access to both grazing allotments and guzzlers.*

Response: Motorized access to sites in wilderness would be considered the exception, rather than the rule, and would not be routinely allowed unless unusual circumstances warranted it. These instances would be considered on a case-by-case basis consistent with the Wilderness Act and the California Desert Managers’ Wilderness Principles of Wilderness Management (see appendix F in volume 1). The text has been modified in the revised draft.

Comment: *The plan does not explain the criteria under which access in wilderness would be granted for inholders. The final plan should outline the regulations and standards that the National Park Service will use to administer access rights.*

Response: Section 708 of the California Desert Protection Act provides for adequate access and reasonable use and enjoyment to owners of nonfederal lands or interests that lie in wilderness. Adequate access should only be addressed based upon a specific landowner request for a particular type of use. Trying to anticipate each type of access need and pre-establish grounds for approval is unnecessary. Each access request would be reviewed with the “minimum tool” philosophy as a guideline and mandates the “Principles for Wilderness Management in the California Desert” (appendix F in volume 1), the Wilderness Act, and the California Desert Protection Act in the administration of the park’s wilderness areas. Any request for mechanized access that crosses designated wilderness and was not recognized by Congress as an excluded road corridor, requires a permit from the superintendent.

Comment: *If a guzzler exists, there is a road to access it. Both of these in conjunction make an area with nonwilderness characteristics. The National Park Service does not need to review motorized access to guzzlers. Stop playing turf wars with the California Department of Fish and Game and the Society for the Conservation of Bighorn Sheep. A case-by-case access would inhibit California Department of Fish and Game from exercising its responsibilities.*

Response: When Congress created the wilderness in Mojave National Preserve in 1994, it made the provisions of the Wilderness Act applicable. The NPS manages wilderness within the full spirit of the law and our employees must comply with the Wilderness Act in managing and accessing areas established as wilderness by Congress, as must state employees and the public in using wilderness. Although Congress provided for certain exceptions in the Preserve, such as mining and grazing, we manage these uses in accordance with wilderness protection. Use of motorized equipment in wilderness is an activity prohibited by Congress since the passage of the Wilderness Act in 1964. Access to these guzzlers has nothing to do with turf wars with the California Department of Fish and

Game. We do work with the California Department of Fish & Game within the framework of the law and agency policies when considering motorized access to sites in wilderness by the state. Neither of the big game guzzlers at Old Dad Mountain are serviced by roads. One was installed by helicopter and access is by hiking or helicopter. Driving on a short road now included within wilderness, in this case, only gets someone a half-mile closer. The other big game guzzler is located in a wash inside wilderness. Access to this guzzler is obtained by hiking about one-fourth mile from a nearby nonwilderness road. The Wilderness Act and agency management policies also require that we examine all “structures and installations” in wilderness and determine whether they are a minimum requirement for administration of the area for wilderness purposes. These structures will have to be examined against the wilderness act criteria and cultural resource preservation laws.

Significance

Comment: The plan fails to distinguish the significance of the preserve’s wilderness. The plan should highlight the differences in the management of these lands including grazing and wildlife management practices.

Response: The proposed action specifically identifies the requirements of the Wilderness Act in managing wilderness areas. Neither the Wilderness Act nor the California Desert Protection Act provide any specific mandates regarding grazing or wildlife management practices in wilderness. Several responses above address management of access to wildlife and ranching developments.

Boundaries

Comment: The wilderness boundaries must be described before the National Park Service can apply appropriate management strategies both inside and outside wilderness. Descriptions and maps should be an appendix in the plan.

Response: A preliminary interpretation of the general wilderness area maps provided by Congress (S-21 maps) has been accomplished and digital computer generated maps produced. These boundaries were included in Figure 2 on page 49 of the 1998 draft plan. Detailed maps of the preserve reflecting these wilderness areas are also now available for purchase by the public at our information centers. The park staff are currently ground truthing these preliminary boundary placements, which is a time consuming process. Interpreting the specific placement of lines on the maps provided by Congress is not straightforward due to the age of the map base they used, the thickness of the marker lines and the addition of new roads not on the map base. The legal description of the preserve’s wilderness boundaries is complex and has not yet begun. Developing the legal description for the much simpler preserve boundary took over one year to complete. When completed, the maps and legal description will be submitted to Congress. Having specific legal descriptions for wilderness is not a necessary component of the general management plan. The general management plan provides a broad management framework for the preserve and as such none of the decisions required the specifics of a legal description. The preserve is committed to completing this process, however, and will include them in the backcountry / wilderness management plan. The wording has been modified to more accurately reflect the wilderness boundary mapping process.

Comment: There needs to be some boundary adjustment for many wilderness areas. The Omnibus Act of 1996 provides a mechanism for this. The plan needs to reconsider decisions not to recommend boundary changes to congress.

Response: NPS criteria for examining potential boundary modifications in a general management plan are done with the purpose of adding lands with significant resources or opportunities, or that are critical to fulfilling the park mission. No such suggestions for boundary adjustments were received during scoping. To create a boundary change proposal to exclude land from the park or from wilderness would be highly controversial and would not fit the NPS criteria for boundary adjustments. NPS minor boundary adjustment authority is only for our external boundary and involves only very small adjustments.

Additional Wilderness Areas

Comment: *Expand the size of wilderness to greater than the 700,000 acres proposed in alternative 1.*

Response: The wilderness areas identified in alternative one are not proposed. Congress designated those 695,000 acres of wilderness in October 1994. A separate wilderness study would have to be prepared, preceded by a great deal of field study, before additional wilderness could be considered. Proposed additions would have to be put through an environmental impact analysis process and public review. Any recommendations resulting from that process would then be submitted to Congress, who would have to agree to them and pass legislation to make it happen.

Cultural Resources

Comment: *It's hypocrisy that there are "remnants of human occupation" in some wilderness sections, because under the Wilderness Act of 1964, a wilderness area is to be untrammeled and works of man are not to be seen.*

Response: The wilderness desired future conditions section is consistent with the NPS Management Policies on historic preservation in wilderness areas. The recently released NPS Directive on wilderness provides the following direction regarding cultural resources in wilderness:

Wilderness contains scientific, educational, and historical properties that are also cultural resources. There has been extensive prior human use in most areas now designated as wilderness, resulting in archeological sites, historic structures, cultural landscapes and associated features, objects, and traditional cultural properties that are contributing elements to wilderness. It is important to recognize that laws, such as the National Historic Preservation Act (NHPA), Archeological Resources Protection Act (ARPA), American Indian Religious Freedom Act (AIRFA) and the Native American Graves Protection and Repatriation Act (NAGPRA), as well as others, intended to preserve our cultural heritage, are applicable in wilderness.

The Wilderness Act and agency management policies also require that we examine all "structures and installations" in wilderness and determine whether they are a minimum requirement for administration of the area for wilderness purposes. These structures will have to be examined against the wilderness act criteria and cultural resource preservation laws.

Fire Management

Comment: *Identify fire-related research needs and initiate long-term strategies. The fire management discussion needs to mention its application to wilderness. The National Park Service should focus on reinstating fire in wilderness.*

Response: The text has been revised to address fire management in wilderness. Before prescribed or natural fires are allowed, studies would be conducted that would help determine historic and pre-historic fire frequency. A fire management plan for the Preserve is now under preparation.

Roads and Trails

Comment: *Human use should be reduced within wilderness areas. Eliminate or reduce widths of roads in wilderness and no new trails until the desert tortoise is delisted.*

Response: Human use of wilderness would have very little, if any impact on the tortoise. No new trails are proposed for wilderness. For the most part, designated wilderness and critical habitat for the desert tortoise overlap very little in the preserve. The backcountry/wilderness plan would address the status of previous developed roads in wilderness and which ones should be restored. With no vehicle travel allowed on old roads in wilderness, there is no immediate threat to desert tortoise from these routes.

Mining

Comment: *Management steps should be identified that closely follow NPS policy related to mining in wilderness areas and strictly minimize use of motorized and mechanized methods in wilderness areas by either NPS staff or other parties.*

Response: The last two paragraphs on page 77 and the first paragraph on page 78 of the 1998 draft plan adequately address minimizing motorized and mechanized use of wilderness. Mining operations that meet all the validity and plan of operations requirements could be considered in wilderness. If the operation would result in significant impacts on resources, including wilderness, it would not be approved. As addressed in earlier responses, and changes in the revised draft, NPS would follow existing law, policies and the Principles for Wilderness Management as adopted by the Desert Managers (appendix F in volume 1) in managing wilderness areas.

Protection

Comment: *The plan is inadequate in its approach to wilderness protection. NPS has no real commitment to wilderness. Doesn't like use of word "preliminary" wilderness boundaries. The BLM has completed their maps and the NPS should complete the maps and reduce grazing in wilderness.*

Response: It is certainly not true that the draft plan and the park have no commitment to wilderness protection. We are unsure what aspects of the management framework on pages 76–78 of the 1998 draft plan are inadequate. We believe it proposes strong stewardship and provides an appropriate level of detail for a general management plan. The NPS has been actively and repeatedly marking wilderness areas with signs at access points, and have continued to replace these signs at the rate of dozens per year. We actively patrol the park, with four field rangers now on duty.

We do agree that use of the word "preliminary" was misleading, and has been removed from the plan. We have mapped the wilderness boundaries and are working on getting the legal descriptions prepared to submit to Congress. We have utilized this mapping effort to produce two detailed maps of the preserve and wilderness boundaries for public sale. The Bureau of Land Management has not completed their wilderness mapping and legal description preparation. In fact, they are at about the same point as us.

Roadside Camping

Comment: Inventory previously used campsites and their conditions in order to select the appropriate alternative. Also, many previously used sites are within wilderness.

Response: Park staff are currently identifying these areas in their ground truthing of the wilderness boundaries. Some of the previous roadside camping areas may indeed be impacted by wilderness. However, they are still open to camping, just not to vehicle access. As these sites are identified, they will be marked with wilderness signs. Vehicles will be allowed to park on the nonwilderness part of the spur roads. The park regularly provides updated camping information brochures to communicate current NPS policy and regulations on backcountry camping.

Wilderness Criteria

Comment: Much of the designated wilderness does not meet the criteria of wilderness as defined by the Wilderness Act of 1964.

Response: The designation of wilderness was a congressional action and is not a consideration of this plan. We believe that the wilderness designated in the preserve meets the criteria of the Wilderness Act.

Land Protection Plan

Rights of Private Landowners

Comment: The plan should be very specific about the rights of private landowners in the preserve. The plan should spell out that landowners would be free to develop their lands under county zoning laws and regulations without the involvement of the Park Service.

Response: The proposed action identifies a goal of acquisition of nonfederal lands, except for lands in Lanfair Valley that currently have single family homes, unless they express an interest in selling or propose development that is incompatible with park purposes. Section 516(2) of the California Desert Protection Act authorizes the National Park Service to acquire nonfederal lands from owners only with their consent, unless the property is being developed or is proposed to be developed in a manner incompatible with the act. The *Land Protection Plan* included in appendix C of the 1998 draft plan identifies compatible and incompatible land uses. This list recognizes the language in section 516 that single family home construction, modification, repair, improvement, or replacement is not incompatible. As stated in appendix C, these lists are included only to provide a reasonable basis for determining where, and under what circumstances, the Park Service would seek to acquire nonfederal lands. They do not constitute a prohibition of such uses. The county general plan has zoned the preserve for single family homes on 40-acre parcels. The park would oppose proposed activity that does not comply with the county zoning, or is determined to be incompatible with park purposes. Acquisition of the property would be sought.

Comment: Are industrial, commercial, and residential uses as authorized by San Bernardino County Development Code, prior to adoption of the California Desert Protection Act, still permitted in Mojave National Preserve without obstruction by the National Park Service?

Response: No commercial or industrial use is allowed in the Preserve under County zoning. The county general plan has zoned the preserve for single family homes on 40-acre parcels. The park

would oppose any proposed activity that does not comply with the county zoning, or is determined to be incompatible with park purposes. In these cases, funds to acquire the property would be sought. The National Park Service would oppose any change in zoning or variance that would allow a development that is incompatible with the purposes of the preserve. This is consistent with our mandate and with congressional intent in section 516 of the California Desert Protection Act.

Compatible/Incompatible Uses

Comment: Add the following to the list of incompatible uses: (1) commercial irrigated agriculture (2) golf courses (3) airports / landing strips for aircraft (4) multifamily residential / vacation homes (5) ranching of exotic animals.

*Response: Based on several comments on this section we have modified the list of incompatible uses in the *Land Protection Plan* to delete the specific items and instead focus on guiding statements that provide a basis for looking at a range of activities. This strategy should work for many years, regardless of new trends or activities not currently anticipated.*

Land Acquisition

Comment: Work with Wildlands Conservancy to acquire all land owned by Catellus Corporation. Develop an aggressive land acquisition program in Cima.

Response: The Preserve, in cooperation with the Wildlands Conservancy, successfully acquired 80,706 acres of the Catellus lands in June 2000, utilizing a combination of appropriate federal funds and donated funds. Three remaining Catellus parcels totaling about 1,920 acres will be acquired in the near future. We are working closely with to accomplish this important acquisition. When funds are available for other land acquisition, properties would be ranked based on several priorities identified in the draft plan. Grazing interests and lands within desert tortoise habitat are included among the top criteria, along with riparian habitat and wilderness, which would be used to evaluate priorities for land acquisition.

Comment: Plan appears to limit NPS land acquisition authority to nonfederal owners of property where proposed uses conflict with the primary mission of preserving resources. Section 516 of CDPA allows the NPS to acquire lands without consent of the owner.

Response: The text has been revised in the proposed action to reflect that Section 516 of the CDPA provides the NPS authority to acquire lands or interests within the boundary of the Preserve without the consent of the owner, if that property is being developed, or is proposed to be developed, in a manner which is detrimental to the integrity of the Preserve, or which is otherwise incompatible with the purposes of the Act.

Comment: The plan appears to limit the CDPA guarantee in section 516 that the NPS will never determine that the construction, modification, repair, improvement or replacement of single-family residences is detrimental to the integrity of the Preserve. This section applies to the entire Preserve, not just Lanfair Valley.

Response: The text has been modified in the proposed action to more accurately reflect this language.

Lanfair Valley

Comment: The calculations of acreage within MOJAVE NEED to reconsider the inclusion of non-Catellus private lands in Lanfair Valley. Plan asserts that the acreage of the Preserve in the CDPA may have excluded private lands in Lanfair Valley. The NPS submitted maps and a legal description to Congress in 1996. These items already show that non-Catellus lands are outside the boundary. NPS must either withdraw its legal description or alter the proposal to accurately reflect the legal description.

Response: It is important to understand that the California Desert Protection Act made no reference to Lanfair Valley. There was a lot of discussion of excluding Lanfair Valley from the preserve by congressional committees debating the act, but we believe it is significant that no statement regarding Lanfair Valley was included in the legislation. The NPS recently submitted a letter to Congress with our interpretation of Congressional intent on this matter. We believe that two sections of the California Desert Protection Act address congressional intent regarding private lands in the preserve. Section 519 of the act addresses private lands and the applicability of federal regulations and section 708 addresses access to private lands and interests in wilderness. These provisions were made part of the law and must be adhered to in managing the preserve. Our interpretation, as provided to Congress, is that all lands in Lanfair Valley are within our external boundary and may be acquired. Private lands, other than Catellus, are not part of the Preserve until acquired. If acquired, they automatically become part of the Preserve without Congressional action. This is not true for lands outside our external boundary.

The 1998 *Draft General Management Plan* addresses the park boundary status and land acquisition strategy in the proposed action. The current description of the park boundary and total park acreage indicate that all the lands in Lanfair Valley are within the larger external boundary of the preserve. It also states that private lands may be purchased from willing sellers and if purchased, would automatically become part of the preserve. Therefore, if private lands are acquired and become federal lands, no boundary modification is needed. However, the park would have to maintain an updated version of the legal description to reflect the acquisition of private lands.

Comment: What assures inholders in Lanfair Valley that motorized access will be maintained?

Response: Section 708 of the California Desert Protection Act provides for “adequate access” to nonfederal lands and interests which will provided the owner “reasonable enjoyment thereof.” See page 77 of the 1998 draft plan. Motorized access via existing nonwilderness roads is unaffected by this plan.

Life Estates and Conservation Easements

Comment: Set up proactive program to establish conservation easements on private land.

Response: The vast majority of private land in the Preserve is not developed or occupied by the landowner. Setting up life estates for willing sellers of occupied property is an option the NPS always has available, if the circumstances warrant. Similarly, acquisition of conservation easements in lieu of acquiring title to the surface estate is an option that could be utilized.

Comment: Rights-of-way (ROWs) need to be discussed in the plan, including how many are there, where are they, what are the nature and terms, and are there any in wilderness. Don't grant any new ROWs while the plan is underway. Eliminate ROWs in wilderness.

Response: The preserve is currently preparing an inventory of its existing rights-of way. The issue was addressed in the draft plan's Land Protection Plan as a major workload requiring staff and funding to adequately research. The GMP has been modified to include a summary of the issue and a policy on renewals.

Mineral Development

Abandoned Mine Lands

Comment: *The \$6 million to restore abandoned mines is questionable. Abandoned mines should not be made as tourist attractions.*

Response: The 1998 DEIS estimate for abandoned mine restoration is only useful for understanding that Mojave has a lot of old mines, and the cost of restoring some, stabilizing some, and making others safe to explore will be high. Until a thorough inventory is completed, and site specific plans for a particular site are determined, accurate costs cannot be determined.

Access Road Maintenance

Comment: *Will access to mine sites be affected by the road maintenance restrictions described in the plan?*

Response: Most roads in the preserve received little or no maintenance in the past. The National Park Service would continue that practice for four wheel drive and high clearance backcountry roads. Offroad driving is not permitted at any time in the preserve. Any mining access road maintenance, or driving outside the developed roads on a claim block for official reclamation operations, must be addressed in a plan of operations.

Alternatives Not Presented

Comment: *The Draft Environmental Impact Statement is silent about regulating cattle and mining. It provides no alternatives, which violates NEPA.*

Response: The proposed action of the 1998 draft plan addresses cattle grazing on pages 84–87, and mining on pages 83 and 100–101. Mining is a valid existing right that cannot be eliminated through planning or zoning. The National Park Service has strong policies and mining regulations in place to control resource impacts, and would deny operations where significant effects cannot be mitigated. Some acquisition of mining claims may be necessary and is anticipated in the draft plan. One alternative is presented that proposes a sensitive resource analysis as a means of identifying in advance of proposals, where mining may be incompatible with park purposes. Grazing is a privilege that Congress mandated to continue. We have presented alternatives that range from existing conditions (alternative two), to managing grazing under NPS standards while seeking to acquire allotments from willing seller ranchers (proposed action). The revised plan also now includes additional language in the proposal regarding grazing in desert tortoise critical habitat. Presenting alternatives for no grazing and mining would be contrary to our stated purpose in preparing this management plan (see Purpose and Need section).

Miscellaneous

Comment: Minerals should be discussed under natural resources in the “Affected Environment” section.

Response: Minerals are discussed under the land use section in the “Affected Environment” of the draft plan. The extent and diversity of minerals and their exploitation are definitely an important aspect of the Mojave story. These stories are recognized in the plan’s purpose and significance statements and interpretive themes. We believe that management of the mineral resource is dealt with through the regulation of mining, which is addressed in the plan.

Comment: Monitoring of water production wells at Castle Mountain (Viceroy Mine) are done monthly and reported in regular monthly reports. Monitoring water quality at Piute Spring is unchanged (done quarterly).

Response: It is our understanding that the Bureau of Land Management reduced the required monitoring of Piute Creek by Viceroy Mine in the recent expansion approval from quarterly to biannually. The park receives copies of their monitoring data.

Comment: What is value of mineral resources in preserve, which as a result of the CDPA, will be lost for the American public?

Response: Our proposal and DEIS appropriately do not address impacts of Congressional actions, only those actions proposed by the agency. However, the Bureau of Mines did complete a study of the mineral resources in the preserve. Estimated gross values of minerals are addressed in that report. To state that the mineral resources are lost is incorrect. Known deposits of economic minerals have been claimed under the Mining Laws of the United States. There are still hundreds of mining claims in the preserve that may be developed under NPS regulations and the provisions of the Mining in the Parks Act of 1976. Even if a mineral deposit is not immediately mined, the resource remains in the ground for potential future use by the United States in times of need.

Mining Allowed Under CDPA

Comment: The California Desert Protection Act contemplates that mining continue in the East Mojave.

Response: Section 507 of the California Desert Protection Act withdrew the Preserve from all forms of entry, appropriation or disposal under the public land laws; from location, entry and patent under the U.S. mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing and mineral materials. Section 508 subjects all valid existing rights to NPS regulation and restricted patents issued after October 1994 to the subsurface estate. Finally, Section 509 prohibits the approval of any plan of operation for mineral development activity until validity is established, and directs that recommendations be submitted to Congress on the estimated acquisition costs of valid claims. This does not necessarily imply that Congress contemplated a continuation of mining. Mining may be allowed, subject to NPS regulations, but claims may also be acquired, both of which are contemplated in our proposal.

Regulations

Comment: The National Park Service has not done any real regulation on active mines. Cima Cinder is a sad example of pretending to regulate when there are no NPS documents of any NPS official regulation of this operation.

Response: It is unfortunate that there is quite a bit of misinformation about mining in the preserve. The real facts about mining include: There are no current active operations. The most recently active mine inherited from the BLM was a gold operation on Soda Lake. It has been determined to be invalid and the buildings and equipment have been removed from the site. Cima Cinder, which was only removing stockpiled material, is now shut down until their plan of operation analysis is complete. The only activity in the pit since 1994 was to reduce the unstable highwall for safety reasons. No activity has occurred outside of the area that has been disturbed for many years. This mining operation has also existed since 1949, well before the national landmark designation. Those facts aside, we are concerned about the destruction of this cinder cone and have been offering to acquire the property from the owners. Those efforts have not, to date, been successful. The miner has a complete plan of operations under NPS regulations in our office for review, which is undergoing an impact analysis.

Some of the things we have done relative to management of mineral development activity since assuming administration of the area in late 1994 include:

- We made management of mineral activities one of our highest priorities for funding and were successful in obtaining money to manage the program. We now have three staff dedicated full-time to mining, one position advertised, and several other support staff that work on mining compliance, contamination issues and data input as needed.
- The park, with assistance from our Denver office, obtained mining claim databases and files from the Bureau of Land Management and have determined the status and approximate locations of administratively active claims. The number of these claims has dropped from initial estimates of 9,000 down to just over 800.
- The superintendent negotiated the successful donation of the 94 acres of patented claims at the Vulcan Mine.
- Patent exams have been completed on 50 claims. Validity exams have been completed on 30 claims and 57 claims are currently undergoing validity examination.
- We have reviewed and commented on deficiencies on 6 plans of operations, including a 2,000-paged plan submitted for a new open pit gold mine.
- We have taken action to force the cleanup of dangerous chemicals abandoned at one mine, and have completed contracted studies of contamination at several other mine sites, resulting in cleanup actions or recommendations.
- We have dedicated thousands of staff hours to participate actively in the MolyCorp spill incident and continue to be involved in their proposed mine expansion review.
- We have initiated a detailed abandoned mine land inventory and are dedicated to continuing this process. We also hope to obtain funding in FY 2001 to begin some restoration and abandoned mine safety efforts.

This is only a partial list of our very active and aggressive mining program accomplishments.

Comment: The plan inadequately considers mining. The National Park Service should conduct validity exams according to requirements of General Mining Law of 1872. Validity should be conducted at the expense of the claimholder.

Response: Validity examinations are actively being conducted in accordance with the law, policies, and court decisions that have specified the process. The preserve currently has two validity examiners on staff. Federal law requires validity exams be conducted by the certified mineral examiners and the cost burden is currently on the agency, not the claimant. The claimant is required to provide access to and samples of the discovery on a claim. Reopening a caved-in adit to access a vein would be the responsibility of the claimant. The impact of a mining operation on the preserve has no relationship to its validity, except for the consideration of the cost of reclamation requirements in the economic viability analysis in the validity exam. If a claim is found to be invalid, an action is taken immediately to invalidate the claims. However, because of appeal rights, the final outcome of these exams can take many years.

Mining in Wilderness

Comment: Management steps should be identified that closely follow NPS policy related to mining in wilderness areas and strictly minimize use of motorized and mechanized methods in wilderness areas by either NPS staff or other parties.

Response: Mining operations that meet all the validity and NPS plan of operations requirements could be considered in wilderness. These operations would be evaluated in an environmental assessment or impact statement and public review solicited. If the operation would result in significant impacts on resources, including wilderness, it would not be approved. See the wilderness section of these comments, and the revised plan for updates to the language concerning motorized access to wilderness.

Reclamation

Comment: Mineral policy needs further thought and development. Existing NPS regulations have not always been carefully applied to make it clear to miners that full and complete reclamation will be required. Bonds should be required to cover all possible reclamation costs plus a contingency.

Response: NPS regulations and management policies already provide the necessary guidelines for managing mineral development activity. Applying these regulations and policies consistently and appropriately is up to the staff charged with that responsibility. NPS regulations specify how the bond amount is to be calculated.

Sensitive Resource Analysis

Comment: Determine areas of the park that are most vulnerable to the destructive impacts of mining and then design appropriate regulatory and acquisition strategies. Some steps in alternative 3 should be incorporated into alternative 1.

Response: Alternative 3 outlines a sensitive resource analysis process for mineral development activities as you suggest. This is a separate alternative from the proposed action, but this component of alternative three could be selected in the record of decision and made a part of the proposal.

Cooperative Agreement

Comment: The “Roads and Circulation” section indicates the need to complete the agreement for maintenance of borrow sites with the county within the preserve. The agreement should be included in final plan.

Response: The overall management direction for roads should be established in the general management plan (GMP) to provide general direction for an agreement. The National Park Service would then reinitiate communications with the county to complete the draft agreement after the GMP is finalized. Including agreements that sunset sooner than the fifteen year life of the GMP would result in confusion later.

Grazing

Acquired Lands AUMs

Comment: Ranchers continue to lease lands from the state, the railroad, etc. When land was acquired by the Bureau of Land Management, AUMs were transferred and added to leases. This is part of their authorized level.

Response: The NPS policy on acquired lands would be to continue to allow cattle to graze on them, however, the maximum grazing use levels established in the *General Management Plan* would not be increased. The park would not require the rancher to fence these lands that are effectively surrounded by an active allotment. Regulations at 4110.1-1 cited in the comment are applicable only to the BLM portion of grazing allotments.

Allotment Existing Conditions

Comment: Since the plan does not describe the conditions that would govern grazing, it cannot possibly analyze the impact on the affected environment, or contrast the impacts with alternative conditions.

Response: The conditions that the National Park Service would impose when issuing the new permits are included in the plan in appendix G in volume 1. In addition, any new conditions that the U.S. Fish and Wildlife imposes in the final biological opinion on this plan would also be attached as permit stipulations. Existing range conditions have been added to the affected environment table of grazing allotments. An inventory of ranching developments is currently underway and will be included in the grazing management plan.

Grazing in Desert Tortoise Habitat

Comment: There is a wider range of grazing alternatives, from the recommendation of the desert tortoise recovery plan, to eliminating grazing in desert tortoise critical habitat, to modifications in location, cattle numbers, and season.

Response: The plan does consider grazing as it relates to other preserve resources. The proposed action has also been modified to deal with grazing in desert tortoise habitat. These modifications have been developed in consultation with USGS tortoise biologists, BLM, and our Advisory Commission. Grazing would not be allowed in derogation of other park resources or values. The superintendent has the discretion to lower grazing levels as necessary to respond to resource conditions. The potential for

the National Park Service to impose restrictions or lower levels of use was clearly anticipated by Congress in the legislative history documenting the debate over whether to allow grazing. However, the National Park Service believes this should be done through a thorough examination of the resource issues and conditions on each permit. The proposed action in the draft plan provides for development of a grazing management plan, for permits not acquired by third parties and donated, that would establish resource protection guidelines compatible with NPS laws and regulations. The text in this document has also been clarified to indicate that the superintendent could impose grazing restrictions based on resource concerns, visitor safety, or wilderness values. The proposed action limits grazing to no more current levels. The park has hired a grazing position and we are undertaking an examination of the ranching practices, impacts, and range condition. We are inventorying ranching developments, and reviewing BLM range condition assessments and allotment management plans. We are also gathering information on unique plant assemblages and sensitive species in order to know if grazing restrictions spatially or seasonally are warranted. The plan does not ignore the Desert Tortoise Recovery Plan, but hopes to balance that plan's recommendations with congressional mandates that appear to be in conflict.

Comment: Grazing must be discontinued because it is likely to adversely modify desert tortoise habitat and thus jeopardize continued existence of desert tortoise. The plan provides no proactive measures to mitigate the effects of grazing on desert tortoise habitat.

Response: Despite continued cattle grazing for over 130 years, and military maneuvers of General Patton's troops in the area, Dr. Kristin Berry still refers to the Goff's population of tortoise as the "gold standard" for the Mojave Desert. It is considered one of the healthiest in its range. The Ivanpah Valley tortoise population has also been subjected to continued grazing for over a hundred years, mostly at much higher levels than currently. Monitoring of that population indicates it is stable. This is not to say we are not concerned about grazing impacts on the tortoise, and the desert habitat in general. We are very concerned about potential effects and believe that the situation warrants close monitoring and additional research. However, the Bureau of Land Management's range studies, and our own recent investigations seem to indicate the range is in good condition. We are faced with balancing a grazing mandate from Congress, with a recommendation from the recovery plan. We are proposing many activities (many have already been implemented) to reduce or eliminate impacts on the desert tortoise. The preserve will work aggressively to eliminate impacts on the desert tortoise, as we have already demonstrated by taking immediate action to remove 2,200 unmanaged feral burros. The National Park Service is working diligently to expedite conservation group grazing allotment buyouts. Two permits, totaling over 5,000 AUMs (15% of the total) have now been retired, with the recent donation and retirement of the Granite Mountains allotment (4,716 AUMs).

Comment: Instead of moving grazing activities off of areas designated as desert tortoise critical habitat, livestock should be completely eliminated from all of the preserve (air pollution, soil compaction, and damage to vegetation).

Response: Congress debated the grazing issue extensively prior to passage of the California Desert Protection Act. They decided in the end to mandate that grazing "shall continue," and that is the law the President signed. An alternative that simply cancels grazing permits outright could not be implemented and would not achieve our stated goals in the Purpose and Need section. The National Park Service believes that the proposed action is the most expeditious way of removing grazing from the preserve and one that would be supported by our congressional delegation. Still, some ranchers may not be willing sellers. Therefore, the park must develop a grazing management plan that addresses the protection of sensitive park resources for permits, if any, that remain after three years.

Acquisition of Base Property

Comment: The law is clear - grazing continues subject to applicable laws including the Endangered Species Act. Your plan should be to phase out all grazing. Your mandate provides for eliminating grazing by purchasing the base property. Rather than wait for a willing seller, the Park Service should inform a rancher of its interest in purchasing property.

Response: Our proposed action is structured as suggested, that is to phase out of grazing by working with third party conservation groups to acquire ranches and retire them permanently. Ranchers are aware of the preserve's acquisition intention. The majority of ranchers have expressed a desire to sell their allotments and we have been pursuing conservation group buyouts. Potential deals between ranchers and private parties to retire over 70% of grazing lands were made in 1998, but never completed because allotments are also on BLM lands. Once the buyers discovered that the Bureau of Land Management would not retire those lands at that time they withdrew their offer. The BLM cannot retire these lands as easily as the National Park Service. The Park Service is working with the BLM so that grazing within the preserve can be retired.

Comment: Solicit Land and Water Conservation Fund money from Congress first before actively negotiating land purchases. Solicit private funding in advance to purchase allotments.

Response: We have already initiated a request for Land and Water Conservation Fund money from Congress in order to begin an acquisition program. Five million in LWCF funding was provided in FY2000 for Catellus acquisitions, and another \$900,000 is identified in the FY2001 budget request. The National Park Service cannot purchase a grazing permit, only the base property associated with it. The park would need the assistance of third party private funding in order to present an offer that is close to market value for the permit. Acquisition using third party funds appears to be a very viable and agreeable solution to elimination of most grazing in desert tortoise critical habitat. This approach provides a workable solution without creating a political firestorm or inviting litigation. After all, nothing has changed since the Congress debated this issue when considering the California Desert Protection Act, and still opted to mandate grazing in the preserve.

Grazing Leases/Conditions

Comment: If a grazing leaseholder elects not to exercise his lease, then that lease should be issued to another rancher.

Response: Alternative 2 addresses the scenario where the leasing of grazing lands would continue. While the California Desert Protection Act provides for the continuation of grazing, it also directs the Secretary of Interior to make acquisition a priority as compared to other lands, if the permittee indicates a willingness to sell. Nothing in the act, or the legislative history, would indicate Congressional direction was to maintain grazing in perpetuity.

Comment: If ranchers have water rights, they also have grazing rights. Grazing rights are property rights, valid existing rights. The Park Service attempt to take away rights or reduce AUMs would be a 5th amendment "takings."

Response: This is not so. Grazing on preserve land is a revocable privilege, not a right. Even Congress acknowledges that grazing is a privilege in the California Desert Protection Act, Section 510 (a). Court decisions and regulations applicable to BLM and Forest Service grazing leases are not applicable to NPS permits. Congress specifically acknowledged in the debate on the California Desert Protection

Act that the National Park Service would have the full authority to reduce animal unit months (AUMs).

Comment: Lease term should be ten years. Will 10-year renewable leases be issued after the General Management Plan is completed?

Response: NPS policy and regulations for special use permits limits the terms to a maximum of five years, and must be revocable. The NPS believes that issuance of permits for one year provides the most flexibility to address issues that arise.

Comment: Grazing is allowed under interim permits issued in 1995, which allows for the same level of grazing as in former BLM plans. The plan does not describe new permit conditions (appropriate use and restrictions) when issuing new permits. How can impacts of this action be determined? This requires NEPA analysis.

Response: A copy of the “Special Use Permits with Terms and Conditions for Grazing” is included as an appendix G in volume 1. Interim grazing permits were issued by the preserve as a continuation of pre-existing federal permits issued with appropriate environmental compliance by the Bureau of Land Management. The issuance of new permits would be covered by the impact analysis on this revised draft plan. Existing permits would be renewed under the GMP guidance until such time as a more detailed grazing management plan is in place. Permit stipulations would be derived initially through this planning effort, including conditions that may be imposed by the U.S. Fish and Wildlife Service in issuing a biological opinion on the FEIS. The general management plan is intended to only set broad direction for the preserve’s grazing management program. Detailed operational guidelines would be outlined in the yet to be prepared grazing management plan, which will require additional NEPA compliance and public input. Therefore, permits will be subject to several rounds of NEPA analysis over several years, becoming increasing more detailed, but also dealing with fewer permits as third party buyouts occur.

Community Based Team

Comment: Explain in more detail what role the community-based management team will perform. Establishing this team will violate the Federal Advisory Committee Act.

Response: The concept was derived from the successful use of similar discussion groups in other western states, and described by Dan Daggett in “Beyond Rangeland Conflict: How the West was Won.” The group would not be formed by the National Park Service, but rather by the rancher and other stakeholders. The concept is for a “community-based” group that meets to exchange information and points of view on grazing activities. It is a way for interested organizations and individuals to express their concerns directly to the rancher, and for all parties involved to learn more about each other’s point of view. It was envisioned that the park would participate to learn. The group does not make decisions, only the Park Service does. However, the concept has received virtually no support and has been eliminated from the proposed action.

Grazing Management Plans

Comment: Indicate how NPS developed grazing plans might differ or change from the present patterns.

Response: The NPS grazing management plan would be one plan for the entire preserve instead of a plan for each allotment. Emphasis would be on the NPS mission of preservation and protection of

resources and reducing impacts on park resources, particularly to the desert tortoise. Resource protection would be given priority over grazing activities. Grazing may be excluded from some areas if needed to protect sensitive resources.

Comment: Include alternatives under which the numbers (AUMs), times, and areas open to grazing are altered from how they are presently managed.

Response: Sufficient information is not yet available on which to base decisions regarding these specific management details. NPS general management plans represent the first phase of tiered planning for parks and provide the overall management framework under which other more detailed plans are developed. The NPS planning process involves several levels of planning that become increasingly more detailed and complementary by agreeing first on why the preserve was established and what resource conditions and visitor experiences should exist there, and then by becoming increasingly focused on how those conditions should be achieved. Decisions about site-specific actions are deferred to implementation planning when more detailed site-specific analysis would be done. A grazing management plan is the more appropriate planning document for dealing with these specific details.

Ephemeral Use

Comment: The current grazing level needs to include ephemeral use. The Piute allotment is ephemeral, so why does the draft plan state that it is zero?

Response: The revised plan states that additional cattle grazing above the perennial AUMs, using an ephemeral authorization, would not be considered. Research regarding competition between cattle and desert tortoise for ephemeral forage would suggest that increasing cattle grazing would be detrimental to the tortoise. The Piute allotment is ephemeral only. The table in the proposed action lists only perennial AUMs. The text has been revised to clarify this situation.

Fees

Comment: Set grazing fees at a level which will fully compensate the Park Service for its management of grazing on NPS lands, and allow sufficient funds to take necessary actions to minimize or correct environmental problems.

Response: The grazing management plan would evaluate appropriate future grazing fees. NPS Special Use Permit guidelines require that the full cost of issuing the permit be charged. This does not include full management of the grazing program. The grazing management plan would also specifically evaluate grazing activities and practices, and would prescribe specific mitigation measures to minimize its impacts upon the preserve's lands.

Comment: Grazing should be maintained at current levels. Adopt the same fee formula as the Bureau of Land Management. Mojave should not have the right to set grazing fees. Only Congress should set fees using formulas used in the past or develop a new one in the future on public land.

Response: The National Park Service does have the authority to establish grazing fees, set use levels, and impose restrictions to protect resources. Grazing fees will remain as prescribed by the Bureau of Land Management until the preparation and approval of the preserve's grazing management plan. That plan would consider NPS costs of program administration and fair market value of similar range in determining grazing fees. The grazing management plan would evaluate grazing fees and appropriate fees will be established in compliance with NPS Special Use Permit guidelines. This plan would also

specifically evaluate grazing activities and practices, and would prescribe specific mitigation measures to minimize its impacts upon the preserve's lands.

Comment: One half of the grazing fees collected were returned to the allotment for range improvements at the time the California Desert Protection Act was passed.

Response: The practice of collecting fees for grazing on public lands and returning the fees to the rancher for building fences and water improvements is not the direction proposed by the NPS. The preserve would consider using some or all of the grazing fees for projects that benefit preserve resources and to offset the impacts of grazing. If a rancher proposes a project and can adequately demonstrate that the project would protect park resources, use of grazing fees may be considered.

Range Developments

Comment: Alternative 3's provision for "limited new range developments might be permitted and replaced when necessary" seems to violate the Endangered Species Act.

Response: The plan has been modified to clarify that this option would be considered when it is to the benefit of the park resources.

Impacts

Comment: The plan fails to enumerate the relative number and impact of cattle and deer as compared with burros, or to address how much of the alleged damage is caused by each species.

Response: The environmental consequences section adequately discusses impacts from cattle on vegetation, wildlife, soils, and water. Other than the desert tortoise, there is no documentation from the Bureau of Land Management or the California Department of Fish and Game of wildlife/cattle "conflicts." There are no known deer population records for the preserve. However, based on the few animals killed each year (CDF&G hunting records) and staff observations over the last five years, this data implies a very small population is existing within the preserve. The draft plan addresses in at least two places, the proposed action and the affected environment, that there are over 30,000 animal unit months (AUMs) authorized for cattle grazing within the preserve. An AUM is defined on page 166 of the 1998 draft plan as one cow and one calf grazing for one month. This is about 3,100 cows and calves.

Water Rights

Comment: Water rights are often tied to grazing lease improvements. Eliminating grazing from the preserve would affect portions of leases outside the preserve by cutting off those water rights.

Response: Acquisition of grazing permits would be a negotiated deal between the rancher and conservation groups or the National Park Service. The rancher would have to negotiate retention of water rights during negotiations, if not selling the portion outside the preserve.

OTHER TOPICS

Draft Environmental Impact Statement

Adequacy/Legal Sufficiency

Comment: The Environmental Protection Agency assigned a rating of “LO” (lack of objections) to the Draft Environmental Impact Statement and commends the National Park Service for its commitment to preserve and protect surface and groundwater resources and commitment to implement the desert tortoise recovery plan.

Response: Comment noted.

Comment: The range of alternatives is too narrow to meet requirements of NEPA regulations. Description and analysis of the three alternatives do not offer sufficient detail to allow a complete comparison, and appear too weak to achieve their stated purpose. Additional actions to better enhance and protect fish, wildlife, and plant resources on Mojave, and meet National Park Service policy and congressional intent should be included as alternatives. The plan does not comply with section 512 of California Desert Protection Act calling for a “comprehensive” plan.

Response: Extensive public meetings, interagency coordination, and numerous meetings with the Mojave Advisory Commission yielded the alternatives presented in the draft plan. The stated planning objective throughout the scoping and alternative development phases was to develop a general management plan for Mojave National Preserve that met the intent of Congress, was consistent with agency policy and guidelines for general management plan content and scope, and was implementable. This goal is stated in the Purpose and Need section. It was not the intent to craft an array of management alternatives that violate congressional intent and required legislation before they could be implemented. Mandates from the California Desert Protection Act, existing laws, policies, and regulations effectively restrict the range of alternatives with this objective in mind. The planning team also explored the traditional theme alternative approach (i.e. visitor use emphasis, resource protection emphasis, etc.) and decided that approach was not consistent with public input received during scoping. Therefore, we believe the range of alternatives is appropriate given these considerations. In addition, the Environmental Protection Agency, the federal agency responsible for overseeing NEPA reviewed the draft plan and had no objections to the plan and commended the Park Service for developing a quality management plan for the preserve.

We believe that the 63 pages of text in the 1998 draft plan devoted to describing the proposed action and the two alternatives is of sufficient detail to accomplish the stated planning objectives and address the range of issues for the management of the preserve for the first tier planning document. However, considerable additional detail has been added in the revised draft plan. Alternative three is brief because it is the same as alternative one, except for stated differences. The full text of alternative one is not repeated where it does not differ from the proposal.

NPS general management plans represent the first phase of tiered planning for parks and provide the overall management framework under which other more detailed plans are developed. The NPS planning process involves several levels of planning that become increasingly more detailed and complementary by agreeing first on why the preserve was established and what resource conditions and visitor experiences should exist there, and then by becoming increasingly focused on how those

conditions should be achieved. Decisions about site-specific actions are deferred to implementation planning when more detailed site-specific analysis would be done.

Affected Environment and Impact Analysis Sections

Comment: The “Affected Environment” and “Environmental Consequences” sections of the Draft Environmental Impact Statement are weak and lack information and documentation for several conclusions drawn. The “Environmental Consequences” section does not contain scientific analysis sufficient for comparing alternatives.

Response: Considerable new information has been added to the “Affected Environment” and “Environmental Consequences” sections. We believe that the level of detail in the “Affected Environment” and the “Environmental Consequences” sections is commensurate with the broad-scale decisions of this plan. According to the regulations and NPS guidelines, the affected environment section of an environmental impact statement is intended only to give the reader a general understanding of the environment that may experience impact if the proposal or alternatives are implemented. This section is not intended to be a complete description of the environment of Mojave National Preserve. Data in this section should be commensurate with the importance of the impact. Data in the affected environment section is also supplemented, as directed by regulations, by appendix material and references. Appendixes included are those that were deemed relevant to the analysis. For instance, the draft plan includes lists of private lands, mining claims, water rights, and species of special concern in appendixes. It also references numerous other published sources and incorporates by reference a separate analysis of socioeconomic conditions.

The impact section is structured once again to build upon differences between the existing management and proposed alternatives. The discussion in alternative 2 identifies the major effects of continuing existing management. Therefore, the discussion focuses on the major impact topics and builds from the existing management strategy by identifying differences between the proposed alternatives and the no-action alternative. The impact section is also supported by a socioeconomic analysis done under contract and incorporated by reference.

Comment: Appendixes should be included which substantiate any analysis.

Response: Data in the affected environment section is also supplemented, as directed by regulations, by appendix material and references. Appendixes included are those that were deemed relevant to the analysis. For instance, the draft plan includes lists of private lands, mining claims, water rights, and species of special concern in appendixes. It also references numerous other published sources and incorporates by reference a separate analysis of socioeconomic conditions.

Comment: No mitigation measures are offered to offset any negative impacts associated with implementing the proposed plan.

Response: NEPA regulations call for measures to mitigate adverse impacts, *if not adequately covered by the proposed action or alternatives* (40 CFR 1502.16(h)). The *Draft Environmental Impact Statement* covers a legislative change in managing agencies for existing federal lands and their subsequent actions. The proposed action typically protects and enhances the resources over the existing management alternative. The proposed alternative is essentially mitigation for the existing management alternative. Many of the actions proposed would mitigate adverse impacts currently occurring.

Alternatives

Comment: Document does not present any new complete plan other than to declare continuance of an existing practice with some modifications. Where are the “declared themes” for the different alternative?

Response: The theme approach to alternatives was explored and rejected. Such an approach typically creates public voting on alternatives based on titles and often creates an array of unrealistic expectations. In this plan we felt it would be better to present alternatives without titles that are composed of elements that could be considered against each other. This approach creates an array of alternative choices for issues where public input suggested it was needed, but does not create unnecessary and unrealistic choices where no issues exist. Therefore, if through the consideration of public input, agency mission, and legal requirements, it is decided that some component of alternative 2 or 3 is preferred over what was in the proposed action, the final plan selected in the record of decision could conceivably consist of elements from all three alternatives. The emphasis was on creating feasible alternatives for each aspect of park management where the situation warranted. Some issues require only a policy direction (e.g. night sky). Some issues had only two alternatives that were apparent. Other issues had three alternatives. By combining the preferred alternative of each issue, we developed a proposed management approach. Existing management was the current management approach, which for some issues was nothing. The third alternative was a combination of those issues where another choice was apparent and the same as proposed action for the other issues. This approach focuses the alternatives on the issues raised during scoping and creates the opportunity to craft a final plan that is composed of aspects of any alternative.

Comment: The plan fails to identify the environmentally preferred alternative.

Response: The Council on Environmental Quality (CEQ) and NPS guidelines on implementing NEPA suggest that the preferred alternative may be identified in the draft plan, but if the agency has no preferred alternative at that time it does not have to be identified. It does have to be identified in the final environmental impact statement. The draft plan did identify the agency proposed action, but that does not necessarily represent the preferred alternative. CEQ requires that the “environmentally” preferred alternative be identified in the record of decision.

Consultation and Coordination

Comment: The California Department of Fish and Game has not had an adequate opportunity to fully coordinate with the National Park Service on the management of Mojave for the conservation of biological resources. The intent of the California Desert Protection Act is that the state retain jurisdiction for fish and wildlife resources on Mojave lands. The plan should include close coordination with the California Department of Fish and Game.

Response: The park met and consulted with the California Department of Fish & Game numerous times regarding the proposals presented in this document. For example:

- a CDF&G employee sits on the Mojave National Preserve Advisory Commission which has held numerous meetings during the development of the draft plan;
- the preserve’s superintendent met with the acting CDF&G Regional Director on several occasions at her Long Beach office and with a senior biologist in Bishop;

- the acting CDF&G Regional Director was a member of the interagency Desert Managers Group (a forum where park planning has been a typical item of discussion);
- the CDF&G was invited in writing to participate as a cooperating agency in the planning process that resulted in this document, but the team received no response;
- the CDF&G was invited to over 30 public meetings;
- CDF&G employees and Mojave staff and management have had joint visits to five of the six big game guzzlers.
- Mojave staff have joined the CDF&G on their annual bighorn sheep census.

The preserve maintains an open door policy and encourages discussions with CDF&G regarding preserve resource planning. Congress provided roles for both the National Park Service and CDF&G in wildlife management.

Future Planning

Additional Plans

Comment: The 14 activity planning efforts should be developed and presented as part of the plan, not left for the future. By not guaranteeing any public comment involvement, the National Park Service is circumventing the legal process required by FLPMA.

Response: The list of future planning needs in the draft plan has been updated to include priorities and some additional plans. NPS planning policy directs the park to prepare certain of these plans. Priorities are often driven by the most compelling need and funding. Several of the identified plans have already been initiated, such as the resource management plan, fire management plan, wilderness management plan and development concept plans for Hole-in-the-Wall and Soda Springs (Zzyzx). Most of these plans also involve preparation of an accompanying environmental document that will provide for public review and input. FLPMA is the BLM's enabling legislation and not applicable to the NPS.

Comment: Increase in staffing from 36 to 92, without citing what they would do & what they would contribute to both administration and improved management leaves the plan incomplete--this is a significant cost along w/ \$22 million.

Response: This is a general planning document that provides a framework for management of the preserve for the next 15 years. Specific positions and funding for resource management issues are provided in project statements prepared as a component of the resource management plan. Only when the details of a resource project are spelled out can funding and staff needs be accurately projected. The positions and dollars identified on page 88 of the 1998 draft plan are approximations based on full implementation of everything identified in the proposed action. To break this down by type of position and activities would create unrealistic expectations. The purpose of this section is only to provide the public and NPS management with an approximation of the impact of full implementation of the general management plan over its 15-year life.

Backcountry/Wilderness Plan

Comment: *The National Park Service should emphasize education rather than permits or quotas. Complete a detailed wilderness management plan, subject to public review, and include it in a reworked plan.*

Response: The preserve is currently preparing a separate backcountry/wilderness management plan. That plan will include public review.

Inventory and Monitoring Plan/Resource Management Plan

Comment: *If the resource management plan and the inventorying and monitoring plan have general guidelines that accomplish the requirements of ecosystem/habitat inventorying and monitoring, then include them in this plan.*

Response: The Resource Management Plan (RMP) was drafted in 1998 and is currently undergoing internal review. The RMP provides a summary of the known resource data, summarizes the resource issues and ranks them as to funding priority. This list is updated every year. Detailed project statements are also prepared for the highest priority projects. Since this document is not a decision making document it is usually not accompanied by an impact analysis. It is a public document though and is available upon request. No inventory and monitoring strategy has been developed. Clearly some resource issues have surfaced as highest priority, including desert tortoise populations and health status, range conditions, and water. However, development of a coordinated, comprehensive inventory and monitoring program would take additional research, meetings, and discussion with experts and interested public in order to formulate a logical and well thought out program. We are fortunate to have other parks leading the way (such as Lake Mead and Organ Pipe) that will provide good examples and guidance.

Strategic Plans

Comment: *What do strategies and resource management plans consist of?*

Response: See response above regarding resource management plans. Strategic Plans are required of every park unit by the Government Results and Performance Act. These plans identify park long-term and annual goals and set specific performance targets for achieving those goals. These park plans are built as subcomponents to the four primary goals of the National Park Service strategic plan. This plan is available upon request.

Future Road Closures and Camping Restrictions

Comment: *Have an effective public notification and public hearing procedure on any plans to close roads and/or restrict dispersed camping outside designated wilderness.*

Response: The process used to develop this plan serves as initial public notice of proposed management at Mojave National Preserve. Extensive public meetings, interagency coordination, and numerous meetings with the Mojave Advisory Commission yielded the alternatives presented in the draft plan. No road closures are specifically proposed, but some camping changes are included. Any future management changes would also be accomplished through a site-specific planning effort, including an impact analysis document. The National Park Service has extensive regulations, policies, and guidelines to guide planning and public involvement in the NEPA process.

General Management Plan

Plan Detail

Comment: The level of detail for Kelso Depot is inconsistent with rest of plan. The plan is not detailed and comprehensive and barely addresses historical and cultural sites except Kelso Depot.

Response: In regard to the level of detail for Kelso Depot, a conscious decision was made to complete the necessary preliminary planning in this *General Management Plan* to allow the rehabilitation of the depot for use as a visitor center to be fast-tracked. The details are unusual for a general management plan. However, because of the specific direction of the California Desert Protection Act to look at the depot for use as a facility for interpretive, educational and scientific programs for visitors, such details were necessary. It is also important for the park to have a central facility for visitor contact as soon as possible. The cultural resource section in the draft plan provides a detailed and comprehensive strategy for inventorying, monitoring research, evaluation and nomination of cultural properties sufficient for the GMP framework. The details provided appear to be more than sufficient to guide the future management and development of the cultural resource component of the resource management plan. Regarding cultural resources management activities, our resource staff has undertaken several activities designed to gather existing data, organize it into databases and GIS layers, and document several important structures and sites for potential nomination to the National Register of Historic Places. These are extremely important steps that must be undertaken before any comprehensive and detailed management program can be realistically presented.

Funding and Staffing

Comment: The plan is deficient in disclosing the types of positions, and activities to be performed, by the proposed 56 staff members.

Response: This is a general planning document that provides a framework for management of the preserve for the next 15 years. Specific positions and funding for resource management issues are provided in project statements prepared as a component of the resource management plan. Only when the details of a resource project are spelled out can funding and staff needs be accurately projected. The positions and dollars identified in the draft plan are approximations based on full implementation of everything identified in the proposed action. To break this down by type of position and activities would create unrealistic expectations. The purpose of this section is only to provide the public and NPS management with an approximation of the impact of full implementation of the general management plan over its 15-year life.

Zoning

Comment: A section should be included in the General Management Plan that details the zoning process in Mojave along with a supplementary map of the park showing these zone boundaries. The National Park Service should limit the development zone to the minimum area necessary to sustain visitor enjoyment of the preserve.

Response: The use of management zones by the National Park Service is changing. The new NPS planning guidelines provide a more flexible approach than previous policies allowed. In Mojave we see no value added to the general management plan by using management zones. The preserve is already subdivided into different management areas which are generally described on pages 28–31 of the 1998 draft plan under desired future conditions. These management areas, including wilderness,

nonwilderness, desert tortoise critical habitat, developed roads and visitor facilities, historic preservation areas, etc. are identified on various maps provided in the draft plan and supplement.

Miscellaneous

Comment: Develop a cooperative agreement with ranches to provide a dude ranch experience.

Response: This concept is one that could be considered in the comprehensive interpretive planning effort that is currently underway. It is also an endeavor that could be undertaken by private enterprise on nonfederal lands and may be viewed as compatible development.

Comment: Mojave National Preserve doesn't qualify as an NPS unit. The NPS director opposed the legislation. There should be a fourth alternative to return Mojave back to the Bureau of Land Management.

Response: Mojave National Preserve qualifies as a unit of the national park system by virtue of the fact that Congress passed legislation and the President signed the legislation. Political appointees often oppose legislation with direction from their superiors. The BLM planning staff that prepared the *California Desert Conservation Plan* in the late 1970s recommended the area qualified for park status. However, a political appointee ultimately removed this recommendation.

Comment: Planning should be dynamic process.

Response: We absolutely agree that planning is a dynamic process. The NPS planning process for a park is designed in tiers to be flexible and dynamic. It begins with a general management plan that sets the overall management strategy for resource protection and visitor use, addresses the purposes and significance of the unit, and establishes carrying capacities. This first plan is designed to remain effective for at least 15 years, but generally, much of it won't change significantly. The most dynamic parts of park planning are the "implementation plans" that are prepared to implement the general management plan. These plans may change as often as necessary to accommodate new information. The resource management plan is a dynamic document that is intended to be reviewed and updated annually.

Comment: Western heritage issues associated with settlement and human use of the desert need to be incorporated into all aspects of the purpose, significance, and interpretive themes, and management objective elements of the plan.

Response: The draft plan currently addresses the settlement and human use of the preserve in the purpose, significance, and interpretive themes. A statement has also been added to the management objectives. However, in regard to human uses, such as grazing, mining, and hunting, these are not park purposes, but uses that may be permitted in compliance with applicable laws. Clearly, grazing and mining have contributed significantly to the history of the area and need to be interpreted as such. It should be made clear that Congress set aside the area as a national preserve to preserve the outstanding natural, cultural and recreational values as a unit of the national park system. Uses of the land and resources, such as grazing, mining and hunting, are to be allowed, to the extent they don't compromise the basic purpose of the unit.

Comment: A contributing factor to this failure to produce an adequate plan is an apparent unwillingness to take advantage of BLM's knowledge and experience in the region.

Response: The planning team worked with the Bureau of Land Management and used numerous other documents and relevant material. The use of these references is indicated in the bibliography.

Threats Outside Park

Comment: *How aggressive is the National Park Service in addressing concerns to outside threats (Ft. Irwin expansion, adjacent mines, proposed airport, overflights, and sprawling urbanization of southern Nevada) to the park? The National Park Service needs to look at surrounding areas of the park as a “buffer zone” to protect park resources.*

Response: The preserve has responded and has voiced its concerns regarding development proposals at Fort Irwin, Viceroy Mine, MolyCorp Mine, the proposed airport near Jean, Nevada, and a housing/golf development near Baker. The preserve plans to keep aware of adjacent development proposals and to respond and state its appropriate concerns if park resources are threatened. We do not view surrounding areas as buffer zones, but we are concerned about development activities outside the park that impact resources we are mandated to protect.

Laws

Federal Land Protection and Management Act

Comment: *The alternatives presented do not represent viable alternative plans for the public to react as required by the Federal Land Policy and Management Act.*

Response: The Federal Land Policy and Management Act of 1976 (FLPMA) is not applicable to the National Park Service. FLPMA is the Bureau of Land Management’s “Organic Act.” The National Park Service Organic Act was passed in 1916 and is found in 16 USC 1.

Northern and Eastern Mojave (NEMO) Planning Effort

Coordinated Planning

Comment: *The administrative directive to do regional planning is very sound and should not be violated. NEMO is the only segmented plan.*

Response: The NEMO planning effort was never intended to present or propose a single management plan or philosophy for the northern and eastern Mojave BLM and NPS lands. Instead, it was intended to coordinate the development of management plans and this has been occurring. We have indicated this since the very first public meeting. We also identified the possibility of a single environmental impact statement or three separate ones. An internal administrative draft that attempted to combine each agency’s management plans into a single draft environmental impact statement was determined to be too large and complex to be useful. Regardless of the approach, the Bureau of Land Management and the National Park Service must still follow their separate and distinct mandates and policies. The public will be afforded ample opportunity for input into BLM’s management decisions when their draft environmental impact statement is released. The only difference between the start of the planning process and what is happening today is the presentation of the three written plans. The National Park Service and the Bureau of Land Management have not dropped the concept of cooperative regional management despite the separation of the NEMO area into three distinct environmental impact

statements. Coordination and discussion of common planning issues occurred for two and one half years before agencies proceeded to prepare separate plans to meet their agency needs.

Separate Summary Document

Comment: *There needs to be a separate document that covers and brings together various integrated issues covering the planning area.*

Response: A separate summary document that addresses common issues over the entire Northern and Eastern Mojave (NEMO) planning area is being considered.